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NATIONAL MUNICIPAL LEAGUE

The League's Business

Baldwin Prize Essay Contest.—*Edward F. Fasold* of Yale University is the winner of the 1937 Baldwin prize of one hundred dollars for his essay on "Simplification of Local Government in the Cincinnati Region." This award is presented annually by the National Municipal League to the student submitting the best paper on any one of a number of governmental subjects set forth by the League. It is made possible through the generosity of *Mr. Lewis H. Burnham,* in memory of William H. Baldwin of Philadelphia.

Honorable mention was made of the essays of *Henry H. Ginsburg,* University of Minnesota, who wrote on "The Operation of Centralized Municipal Purchasing in the Cities of St. Paul and Minneapolis"; *Edward H. H. Jasen,* Harvard University, "Nonpartisan Elections in American Local Government"; *Henry B. Director,* University of Chicago, "The Effect of the Short Ballot Movement on the Operation of Democracy in American Cities"; and *Russell M. Shepherd,* Swarthmore College, "Philadelphia's Invidious Mandamus Situation."

Roscoe C. Martin, director of the Institute of Public Administration, University of Alabama; *Murray Seasongood,* former mayor of Cincinnati; and *Howard G. Fishack,* executive director, Citizens' Advisory Finance Committee of New Jersey, acted as judges in the contest.

* * *

Portland Prize Contest.—The 1937 Portland prize of twenty-five dollars has been awarded to *Merrill Falkenhagen* for his essay, "The Teachers' Retirement Fund Association of School District No. 1, Multnomah County (Portland), Oregon: A Case Study in Pensioning Public Employees." This prize is awarded each year to the undergraduate student of Reed College, Portland, Oregon, submitting the best essay on a given subject in municipal government.

Judges in the contest were *John G. Stutz,* executive director, League of Kansas Municipalities; *Don C. Sowers,* director of extension, Bureau of Business and Governmental Research, University of Colorado, and secretary of the Colorado Municipal League; and *Roland R. Renne,* chairman of the Department of Economics and Sociology, Montana State College, University of Montana.

* * *

Consultant Service Makes Atlanta Report.—The Consultant Service of the National Municipal League, under the direction of Dr. Thomas H. Reed, has just submitted its report on "The Governments of Atlanta and Fulton County, Georgia" to the Board of Commissioners of Roads and Revenues of Fulton County, the Mayor and General Council of Atlanta, and the Atlanta Chamber of Commerce.

The report is unique in that it contains not only a complete administrative and financial survey of the city and county governments but also of the city and county school systems.

The problems of metropolitan government in Atlanta are difficult in that the city is situated in two counties—Fulton and DeKalb. Under the constitution city-county consolidation in such an instance is impossible. The report therefore makes practical suggestions toward the solution of this complicated situation by providing for the unified treatment of the problems of health, hospitals, welfare, parks, recreation, and the police and fire departments.

The report comprises 780 pages and may be obtained from the Atlanta Chamber of Commerce. Its price is five dollars.

The Consultant Service has also recently completed its survey of New Bedford, Massachusetts, which has been published by the *New Bedford Standard Times,* and of Essex County, New Jersey. The latter report has been published by the D. Appleton-Century Company, New York, under the title "Twenty Years of Government in Essex County, New Jersey." It may be secured through the League's office at two dollars.

HOWARD P. JONES, *Secretary*

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Editorial Comment

February, 1938

Many Happy Returns!

WHEN the little city of Staunton, Virginia, decided by ordinance in January of 1908 to hire a "general manager," there was no one brash enough to predict that this was the beginning of a great movement to modernize local government. Then it was only a "novel" idea. The general manager was simply an adjunct of the old form, two-house legislative body and all—a far cry from the thorough-going council-manager charters of today.

As we celebrate the thirtieth birthday of the city manager plan, it is appropriate to recall the circumstances surrounding that birth—and to try to discern what the future holds in store.

When a leaky dam at Staunton had to be fixed and contractors were holding out for $4,000 to do the job, Charles E. Ashburner, himself an engineer, told a friend in the city council of his plan by which it could be repaired for $737—and it was. So when, later, Staunton decided to have a "general manager," it was not strange that Ashburner was chosen.

It might be truthfully said that the creation of the manager plan was an accident or, at least, forced by circumstances. When a committee investigating the commission form of government found that the Virginia state constitution would not permit it, Hugh C. Braxton, city council member, and Stephen Timberlake, an attorney, devised a plan which, in essence, sounds very much like today's manager plan. The committee's report said:

> Let the city council appoint as general manager some competent and suitable man and delegate to him the entire control and management of the city's executive and administrative affairs. The official thus appointed will give his entire time and attention to the various departments of the city's business, will receive an adequate salary to be prescribed by the council, and discharge in general all of the executive and administrative duties now pertaining to the city council and its various standing committees and will hold his office at the pleasure of the council.

Fortunately for the manager idea, the first man chosen for the job was worthy of being the founder of a profession. By his promotions to the managerships of larger and larger cities he blazed a trail and set high standards.

Today 465 cities and seven counties, including nineteen cities outside the United States, have the genuine or "approved" manager plan. How greatly it has affected the governments of other cities may be a matter of opinion. There are, however, 155 other cities and thirty-six counties which have some modification of the manager plan, besides countless other communities whose governments have been improved because of good examples set by the growing number of manager cities.

Long before the end of the next thirty

years the manager form of government inevitably must become the standard American form for cities and counties. This is no idle, wishful prediction. The handwriting on the wall is specific and clear. Just as "the first hundred years are the hardest" so are the first five hundred manager cities and counties the hardest to secure.

Even great cities like New York and Chicago will become manager cities in fact if not in name, for their needs as well as their populations are large. New York, through force of necessity, is having a taste under Mayor LaGuardia of what amounts to manager government. Other almost unique personalities are, here and there, performing similar services for their own cities. What they are primarily demonstrating, however, is that an *efficiently* operated mayor-council city is about as rare as an *inefficiently* operated manager-council city.

To make the prediction come true, however, there must be one important but achievable element. There must be public understanding of the issues involved in getting and keeping good government.

It is no more possible to have good government without a continuing citizen support than it is to have bad government without continuing citizen indifference.

Emergencies and Home Rule

SIMPLY expressed, municipal home rule has come to mean the power of cities to manage their own local affairs, free from legislative interference by the passage of special laws. The subject has, of course, two aspects, the first involving a grant of *power,* the second involving *protection* from interference, once the power has been granted.

New York State has furnished an interesting example of the operation of both phases during the past fourteen years and the way they impinge, one on the other. New issues make this experience of keen interest to other sections of the country. The original intent of the drafters of the New York home rule amendment was to prevent any interference whatsoever by special legislation after the granting of sufficient power. They were disturbed, however, by the spectre of possible emergencies that could not be foreseen and finally determined upon the inclusion of a clause which permitted the passage of special laws if accompanied by an emergency message from the governor and if passed by a two-thirds vote in both houses of the legislature.

The result has been the opposite of the intent. The legislature has been flooded each year with requests for so-called "emergency" legislation and what was intended to be a serious matter has become the most ordinary routine. Neither the governor nor the legislature gives any consideration whatever to the question as to whether an emergency, in fact, does exist.

With a constitutional convention in the offing in New York State, the proposal is being urged that the emergency clause be stricken out of the home rule provision. Cursory review of the laws passed under the emergency clause indicates there have been few real emergencies and that the laws can be divided into the following main classes: (1) those in which local politicians were anxious to "pass the buck"; (2) those in which there was uncertainty as to the precise area of home rule power, and this group represents the bulk of the cases; (3) financial crises which

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Public Opinion in Our Cities

Results of recent polls indicate that the scientific measurement of public opinion will in the future have a wide usefulness in municipal affairs.

GEORGE GALLUP
Director, American Institute of Public Opinion

Two events in the elections of 1937 were of special interest to scientific observers and to every citizen connected with them. They were the reelection of Mayor LaGuardia in New York City and the election of Richard W. Reading in Detroit. One proved that the voters of the largest city in the United States know when they have an effective city administration and that they will vote to retain it, regardless of party labels. The other proved that there is a limit to the political strength of organized labor when it does not enlist the sympathy of the middle-class voter.

But aside from these political lessons, the elections of 1937 proved something about polls. They vindicated the use of the scientific measurement of public opinion in the municipal field, just as the presidential election of 1936 vindicated the scientific surveys in national affairs. As a result, scientific surveys will probably have a much wider usefulness in municipal affairs from now on.

At first glance it may seem that a municipal election involving only half a million voters, or fewer, would be a very much simpler field for opinion analysis than a nation-wide election. But it is not necessarily so. Municipal elections have often hinged on the influence of a political machine which was thrown into the equation at the last moment. Such factors have been extremely difficult to measure in advance.

In addition, the sampling problems involved in making a scientific political survey of a large American city today are just as exacting as they would be in a survey of the forty-eight states.

Nevertheless, two scientific surveys in which the American Institute of Public Opinion undertook to predict the New York and Detroit elections came remarkably close to the actual results last November and provided experience for further researches in municipal opinion.

The Institute of Public Opinion conducted its Detroit mayoralty survey at the invitation of the *Detroit News*, one of the sixty newspapers of all political persuasions throughout the United States which have united to make the institute's studies possible. The *News* was editorially in favor of the so-called conservative candidate, Richard W. Reading, but it engaged to pay for the survey and to publish the indicated results, whatever they should be.

Reading's opponent was Judge Patrick H. O'Brien at the head of a CIO slate, who had led the AF of L's candidate in Detroit's primary elimination a few weeks before.

Although Detroit's mayoralty elections are nonpartisan and party organization does not function as such, the element of organization was introduced by the CIO, which relied on the tremendous number of unionists to bring out the O'Brien vote in Detroit's twenty-two wards.

Incidentally the election indicated the seriousness of the breach between the

CIO and the AF of L in Detroit, for the great majority of persons who voted for the AF of L candidate in the primary switched to Reading on election day instead of to the CIO-endorsed O'Brien. Before the institute began its survey the fact of this breach and its possible effect were only matters of supposition.

Certainly the CIO high command did not at first recognize the serious obstacle that this cleavage was to make for Judge O'Brien. Homer Martin, president of the United Auto Workers Union, totaled up the number of union members in Detroit, approximately 125,000, and calculated that each unionist could produce from among his relatives one and one-half other votes. On this assumption Martin got a total of 312,500 votes—an overwhelming majority.

A REPRESENTATIVE CROSS-SECTION OF OPINION

The institute's own survey consumed twelve days, from October 19th to 31st, and covered each ward in the city six times. These repeated canvasses permitted the institute to measure any possible trends or shifts up to the last minute. Those in charge of the survey found, however, that there was very little change in opinion during the fortnight before the election. On this occasion, apparently, public opinion had reached a relatively stable plateau well ahead of the actual voting.

The scientific measurement of public opinion differs sharply from traditional polls and straw votes in methodology, of course. Since the institute survey was designed to reach an approximately perfect cross-section of the voting population of Detroit, the institute could not rely on postcard ballots broadcast at random in the usual way or on coupon ballots printed in the *Detroit News*. Obviously this latter method would have given us many thousands more votes than we actually obtained, but all experience indicates that the accuracy of a survey depends on getting a thoroughly *representative* cross-section as well as on an adequate *number* of returns.

The institute conducted its survey by means of a squad of special institute field reporters. As a principal control question the reporters asked voters in every ward:

"How did you vote in the primary?"

Analysis showed that the conservative candidate, Reading, was not only polling approximately as many votes as he had polled in the primary, but that he was receiving an overwhelming majority of the votes the two unsuccessful candidates, Smith and McLeod, had originally received. Together with a better than two-to-one majority among persons who had not cast their votes in the primary, Reading was easily indicated as the winner.

Eighty-two per cent of the primary vote for the AF of L man was shifting to Reading, only 12 per cent to the CIO's O'Brien. CIO leaders found the black and white figures hard to credit. But when the election returns were complete, the survey had predicted the result within 2 per cent. The survey also forecast the winner in twenty out of Detroit's twenty-two wards.

In the New York City election the institute did not attempt a special survey, but it questioned voters on the mayoralty in the course of regular polling operations. Ballots assigned to New York City in one of the institute's national surveys included a question on LaGuardia and Mahoney. On the basis of this test the institute forecast LaGuardia's re-election and placed his probable vote at 64 per cent of the total.

This prediction, too, was borne out on election day, the institute's figure being within 4 per cent of the actual vote.

These municipal elections merely added to the evidence that the scientific

measurement of public opinion can provide a trustworthy index of public sentiment in a great majority of cases. The institute forecast the election of President Roosevelt, giving him a substantial electoral majority—forty states with 485 electoral votes. It failed to give him six additional states which he actually carried, with forty-six electoral votes. In addition to these forecasts the institute has made predictions in nine other state elections, all of which have been correct.

Out of a total of fifty-nine state and municipal forecasts, therefore, the institute has been able to indicate the result fifty-three times. No survey technique, however scientific, will be satisfactory all the time, of course; but the experience of the past four years has shown where most of the pitfalls lie. In the next ten years it is thought that the institute's surveys will be right about ninety-five times out of a hundred.

PUBLIC OPINION AND LOCAL GOVERNMENT

This evidence is not presented in a spirit of boastfulness, but merely to indicate how far the science of measuring public opinion has developed.

I do not consider that any great social good comes from being able to predict an election forty-eight hours in advance. But methods which are accurate in predicting an election are likely to be accurate as well in measuring public opinion on national, sectional, and municipal issues.

Do we know all we need to know about the trends of public opinion as they affect city government? Obviously not. This becomes an indicated field for study in the immediate future.

Are there periodic intervals of strong "reform" sentiment in the average American city? If so, how long does the cycle last?

Are more municipalities ripe for experiments with the city manager form of administration?

What is the popular reaction to city manager administration where it has been tried?

These are a few of the questions for which research can begin to offer answers. It may be that public opinion will be found far ahead of the average city politician, if it can be made articulate.

Certainly the experience of the American Institute of Public Opinion on national issues indicates that today's citizens occupy constructive, progressive positions on most matters affecting the administration of government. One or two may be mentioned.

The average United States voter is strongly in favor of the principle of the merit system in the federal civil service. The exact dimensions of public opinion on this question were, in fact, startling even to the best friends of civil service. More than a year ago the institute put its question to a cross-section of the voters:

"Should government positions, except those which have to do with important matters of policy, be given to (1) those who help put their political party in office, or (2) those who receive the highest marks in civil service examinations?"

Throughout the United States, 88 per cent of the voters reached answered "those who receive the highest marks in civil service examinations." Twelve per cent chose the alternative.

More recently we asked whether amendments to the federal constitution should be submitted to the legislatures of the states or to the voters themselves for ratification, and an overwhelming majority (82 per cent) declared they approved the principle of popular ratification.

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For Debt Service: Nothing

Kalamazoo pays its last bond and becomes the first debt-free, pay-as-you-go city of more than fifty thousand population.

DOUGLAS DOUBLEDAY
Kalamazoo, Michigan

EVERY December in Kalamazoo, Michigan, since 1918, when the municipality traded its mayor-aldermanic government for the manager-council type, the council and its city manager have devised a budget of thousands of segregated items for the next calendar year. Always major among the budget headings, of course, has been one "debt service."

Kalamazoo's 1938 budget, however, drawn after two decades of adherence to an almost ironclad pay-as-you-go policy, contains no such heading. The last of any bonds secured by Kalamazoo's general fund were paid November 1, 1937, and the municipality advanced to a debt-free position—a distinction which is apparently unique among cities of more than fifty thousand population.

With tax collections on the upsurge, with a tax rate holding close to ten mills, Kalamazoo is serenely watching the future unroll, doubting that any emergency need can create a financial problem which an appropriation in its annual budget of current revenue will not solve.

Except for one painful year when the tax rate took a big jump—a bitter pill administered to give the municipality a forthright start toward fiscal health—Kalamazoo reached this goal without strain. While scrupulously budgeting the city share of public improvements, while paying off bonds of a period when this was never done, Kalamazoo bought equipment as needed, bought land for parks and an airport, and built a half-million-dollar city hall.

Only twice in this period after 1918 did it resort to "installment finance"—with a very special reason each time.

What was probably Kalamazoo's greatest coup enabled by pay-as-you-go finance came off in 1931, the year the city hall was built. The budget that year bore a total of $1,467,522, and of it $699,436 was appropriated for capital expense, including most of the cost of the new official building. Although property values declined, regular revenues covered the budget and the tax rate stood still at eleven mills.

It looked as though Kalamazoo would become debt-free in 1934, when the final payment was due on Kalamazoo's 1912 police station bonds. These bonds, incidentally, cost the taxpayers 59 per cent of the principal in interest. The issue was $35,000, to be retired in twenty annual payments, after a delay of two years. At 4½ per cent, the interest amounted to $19,689.40.

But near its goal the city had to bend its pay-as-you-go plan. Facing extraordinary welfare relief needs in 1932, all Michigan taxing units at the same time had hanging over them a state constitutional amendment which would limit all levies on property to fifteen mills, exclusive of levies to service outstanding debt.[1]

[1]The fifteen-mill limitation, it happened, became effective, but the state supreme court ruled that cities like Kalamazoo with home-

For Kalamazoo's government, almost without debt, this peculiar threat made it seem prudent to get into debt. So $295,000 was issued in social service bonds, to be retired in five annual installments, and it was the last payment on this issue in 1937 which took the mortgage off the city's general fund for the first time in more than forty years.

Fifty-four years ago Kalamazoo moved out of the village class debt-free. In his exaugural address, the last village president commented:

> The chair takes special pleasure in announcing that only $5,000 of the bonded indebtedness against the village remains unpaid, which sum becomes due and payable, together with interest, on the first day of October 1884.
>
> Let us all pray in the language of the litany: "From bonded indebtedness Good Lord deliver us." I am pleased to observe that the general tone and expression of the people is most emphatically in opposition to expenditure that shall involve the necessity of issuing bonds for payment. "Cut your garments according to your cloth" and "pay as you go" are rules and adages dictated by prudence.

Roughly speaking, this advice was followed by early city administrations for nearly two decades. Roughly, because the city borrowed $40,000 in 1896 to build a lighting plant, and it permitted an annual debt of varying size to "float."

But any vestige of this prudence was dropped during the fiscal year 1902-03, made untenable by a charter change setting up a ten-mill tax limit, which was about four mills lower than the figure averaged by Kalamazoo during its first pay-as-you-go era. This led to the municipality's darkest days, financially.

For the next ten years—Kalamazoo's greatest decade in point of growth—the tax rate was static at the 10-mill maximum, while every year but two the bonded debt total climbed, reaching the peak of $798,000 in 1912-13. Other debt continued to "float," touching the top in 1909 at $98,000.

In 1912-13 the state tax commission appeared on Kalamazoo's fiscal stage to jerk the city property value total from twenty-four to forty-six millions.

To the contemporary Kalamazoo administration this represented an opportunity to reduce the rate to six mills—continuing a burdensome load of bonds. It was at this point, however, that the floating debt was wiped out, never to recur. But every year, 1910 to 1920, Kalamazoo was to pay $25,000 or more in interest on bonds, and in 1913-14 the interest figure passed $35,000, which was about eight cents of every dollar outlayed.

INTEREST COSTS HIGH

Some of the bond issues had not been contrived to make it easy on the taxpayer. In addition to the $35,000 police station mentioned, which cost an additional $20,000 in interest, Kalamazoo in 1911 had financed a $25,000 bridge on which the interest was to be $13,000 by way of fifteen-year bonds delayed ten years.

The retiring mayor of 1912 had seen the light. "It must not be overlooked," he commented in his exaugural address, "that a rate of taxation may be ruinous by being too low as well as by being too high. . . . It is merely putting off the evil day."

Groups of citizens had now begun to watch experiments throughout the nation in sweeping municipal reforms. After years of missionary work, the electorate in 1917 commissioned nine men to draw a new city charter. When they brought out their document, it called for a council-manager form of government, providing that seven "com-

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rule charters were not subject to it. When the over-all limitation was initiated for a Kalamazoo vote in 1934, the people defeated it 7,323 to 6,691.

missioners" (as the charter termed them) be chosen at large in nonpartisan, biennial elections, and it raised the tax limitation from ten to twenty mills—all under Michigan's home rule act of 1909.

Although it was subjected to what a newspaper editorial called a "cowardly, eleventh hour attack," this charter of revolutionary change was carried 2,043 to 659 by the fraction of the war-minded electorate which went to the polls in February 1918.

A MANAGER WITH NEW IDEAS

The first city commission took over in April, and for its first manager chose Harry H. Freeman,[2] a youthful and brilliant student of government who had served as clerk of the charter commission.

This municipal executive of the new mold had many things in mind, but he did not spring them all at once. Working with coöperative city commissions while charter opponents bided their time, he maintained a highly economical regime in 1918, 1919, and 1920, slicing expenditures below the aldermanic level, but letting the tax rate climb from 6.50 to 9.00 mills as he sought revenue almost exclusively by levy.

In other immediate financial reforms the city accounting system was revised, a purchasing bureau was established, and a policy which had permitted an annual loss in sinking funds was corrected. By the end of 1920, the amount of general bonds outstanding had been cut in half.

Facing the fiscal year of 1921 Manager Freeman decided it was time to consolidate the gains of modern government in Kalamazoo. He proposed to the commission that in 1921 it spend $910,000, which was $325,000 more than the year before. He proposed that $854,000 of this sum be raised by property taxes, a levy $310,000 heavier than the year before, $529,000 heavier than the last aldermanic levy. Without a bond issue, this forecast a rate higher than $13.00 per $1,000, whereas the Kalamazoo rate had not been above $10.00 for nearly twenty years.

The large figure was allowing, for example, for the establishment of depreciation and reserve accounts, for $191,000 instead of $41,000 for general service, $95,000 instead of $73,000 for policing the city, $150,000 instead of $130,000 for fire protection, $22,500 to house city equipment which had been standing in the weather, $70,150 for bond retirement, $21,875 for interest on bonds, $75,000 for the city share of public improvements, and $20,000 to pay the last installment on an aldermanic deficit.

"There is not a penny of waste, unnecessary outlay, or extravagance in the whole budget," Manager Freeman argued.

The commission was prepared to vote on the matter, after weeks of budget sessions, January 10, 1921. As it met that night it knew that a charter-repeal mass meeting was convening simultaneously under the leadership of former aldermen who had been secretly informed of the details of the budget. This group, opposed to any tax increase, was hastening to condemn the whole administration before it acted.

In the city hall, however, were six men not to be intimidated. Three industrialists, a physician, a college professor, and a real estate dealer—comprising all but one of the commission—supported Manager Freeman and enacted his budget of unprecedented size. The seventh, another real estate dealer, dissented, refusing to discuss the matter further, offering merely the criticism that it was "too high."

Next day a storm which was to swirl

[2] Mr. Freeman, who later became director of the Buffalo Bureau of Municipal Research, died two years ago.

for eight months struck municipal affairs. "Letters to the editor" were rabid enough, but by word of mouth Manager Freeman and his backers were subjected to criminal libel.

At the same commission meeting which saw a special election successfully initiated, Manager Freeman resigned effective July 1st, and later the commissioner who had sponsored him handed in his resignation.

Still in revolt when April came, the people voted 5,311 to 3,433 for a general charter revision, and 4,025 to 3,467 to have the revision take a pre-1918 form.

MANAGER PLAN SUSTAINED

By October sentiment had changed. The repealists' document, drawn by former aldermen and real estate interests, and containing a ten-mill limitation, was defeated at the polls 2,952 to 2,328. The die-hards of the repeal movement then demanded that the commission authorize a November vote on a ten-mill limitation, mayoral veto power, and election by wards, and carried their demands to the state supreme court when the commission ignored them. An unfavorable ruling from the high court prior to the regular November balloting brought an end to Kalamazoo's crisis.

Friends of the Freeman-type government dominated the new commission, and in devising a budget for 1922 they kept expenditures on the same level, but saluted the dissenters by permitting $140,000 for badly needed storm sewers to be financed with ten-year bonds, thus allowing the tax rate to slide down to twelve mills.

From then on the road to debt freedom was comparatively smooth. The grooves which Manager Freeman had so carefully etched were followed in main, and when bond issues were proposed, the public rejected them—except for the relief issue of 1932.

Expenditures and improvements continued on the same high level, but as the early planners' ideas began to blossom, the tax rate declined. After standing at twelve mills through 1924, it dropped to eleven mills and stood there seven years. Wilting values sent it up to 11.40 in 1932, but for the last five years it has averaged 10.16—almost exactly where the opponents of the present form of government would have placed it by charter limitation, a move which would have entailed continuous bonding.

The 1938 budget, lacking debt service and relief (the local share now being levied through the county government) appropriations, will let the rate decline to about 9.50 mills.

The city managership changed hands in 1921, 1925, 1927, and 1931, but these shifts have not appeared to disrupt the basic policy which resulted in debt freedom.

Factors yet unmentioned here, of course, have participated in Kalamazoo's triumph.

Since 1918 Kalamazoo has made but minor city limits extensions, and its huge suburban area remains as a problem to be met in the near future. For another thing, the city owns a highly lucrative water utility which, after its management policies were recast in 1922, has been returning a huge profit on lowered rates. The city has a small electric utility with a policy at present of "limited commercial competition," but its profits thus far have never been diverted.

For several years the water department surplus fund has given about $50,000 to the general fund, and for the last two years "taxes" against the city utilities for the benefit of the general fund have added about $25,000 to city revenues.

Skilled management of funds has now obviated the necessity for borrowing to

meet expenses between January 1st, when the city year starts, and July 1st, when the taxes are payable. The general fund surplus available for application on the next year's budget, in fact, is generally $100,000 or more.

The way Kalamazoo paid for its new

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TABULAR FINANCIAL HISTORY, MUNICIPALITY OF KALAMAZOO

Year	Population	Property Values—Millions	Per $1,000 Tax Rate	Expenditures in $1,000s	Floating Debt	General Fund Bonds March 31st
1884-85	11,937	$ 5.5	$ 10.00	$ 86	None	None
1885-86		a	12.50	111	None	None
1886-87		a	11.00	107	None	None
1887-88		a	11.00	122	$30,000	None
1888-89		a	15.00	156	34,000	None
1889-90	17,853	a	15.00	159	24,000	None
1890-91		a	14.80	179	29,000	None
1891-92		a	13.60	210	15,000	None
1892-93		a	13.60	232	26,000	None
1893-94		a	13.60	228	32,000	None
1894-95		a	13.40	226	81,000	None
1895-96		a	15.00	351	72,000	$40,000
1896-97		a	17.00	297	65,000	40,000
1897-98		8.5	16.00	294	79,000	40,000
1898-99		a	15.40	225	32,000	40,000
1899-00	24,404	9.0	15.15	198	150	30,000
1900-01		10.8	14.00	220	10,000	30,000
1901-02		a	a	251	4,800	20,000
1902-03		a	a	250	50,000	120,000
1903-04		a	10.00	226	9,500	210,000
1904-05		a	10.00	264	8,000	330,000
1905-06		a	10.00	270	15,700	319,607
1906-07		18.0	10.00	373	12,200	440,000
1907-08		19.0	10.00	530	76,000	520,464
1908-09		19.8	10.00	545	98,300	449,193
1909-10	39,437	20.5	10.00	494	56,850	454,091
1910-11		21.6	10.00	512	55,600	503,690
1911-12		22.4	10.00	487	41,000	451,346
1912-13		24.0	10.00	466	1,500	798,116
1913-14		46.0	6.00	457	None	790,386
1914-15		46.7	6.00	462	None	784,756
1915-16		47.0	6.00	425	None	762,426
1916-17		47.6	6.00	526	None	725,896
1917-18		49.9	6.50	658	None	681,466
				Budget in $1,000s		General Fund Bonds Dec. 31st
1918		51.8	8.50	a	None	462,836
1919		53.6	8.50	482	None	401,686
1920	48,487	60.5	9.00	585	None	340,536
1921		63.2	13.50	910	None	279,386
1922		63.4	12.00	929	None	351,949
1923		67.3	12.00	998	None	278,012
1924		73.2	12.00	1,111	None	219,975
1925		73.6	11.00	1,160	None	169,137
1926		75.3	11.00	1,109	None	129,500
1927		78.1	11.00	1,161	None	101,250
1928		79.5	11.00	1,149	None	76,500
1929		82.0	11.00	1,180	None	51,750
1930	54,786	82.8	11.00	1,221	None	35,000
1931		81.1	11.00	1,467	None	19,250
1932		78.8	11.40	1,039	None	298,500
1933		74.1	9.50	1,095	None	237,750
1934		71.4	9.86	894	None	177,000
1935		70.0	9.12	1,066	None	118,000
1936		71.0	10.72	1,069	None	59,000
1937		73.5	10.40	1,229	None	None

[a]Figure not available.

Kansas City Will Try Again

Forthcoming elections present opportunity for voters to oust the Pendergast machine from its strangle hold on the city's government.

WALTER MATSCHECK

Committee on Social Security, Social Science Research Council

IN MARCH of this year the power of Pendergast in Kansas City is to be challenged again. Whether the opposition can develop sufficient strength before the election dates to be a real threat, or will go the way of all other attempts to unseat the machine in recent years, it is too early to say. Manager plan advocates, friends of good government, and machine politicians in other cities are alike interested in Kansas City and its government. The first two groups have had to meet the argument of the "failure" of Kansas City in their campaigns for manager charters; they have long since accepted this as an uncomfortable fact to be dodged if possible, explained away or ignored if not. They now hope that Kansas City can be redeemed so that they may point to the final triumph of political principles over an apparently unbeatable political machine. The interest of the third group, on the other hand, is that a political organization can control even with the manager plan, which gives them hope that if worse comes to worst and a manager charter is forced on their cities, they too may remain in power, probably stronger than ever—even as in Kansas City.

The March election will be the fourth since the adoption of the charter in 1925, the same year, incidentally, in which Cincinnati adopted its plan. In each of the three preceding elections the Democratic organization, the "Pendergast machine," has won a majority of the nine seats—five, nine, and seven in 1925, 1930, and 1934, respectively. Such continuity of control and policy, often a virtue in municipal government, is sometimes cited as proof that the people are reasonably happy and satisfied with the government they have. The fact, of course, is that this is but a part truth which ignores many other factors. Discussion of a few of these may throw some light on the Kansas City situation.

In the period between 1916, when the council-manager plan was first considered in Kansas City, and 1925, when the present charter was adopted, there were at least seven elections in which the plan was an issue. In two of these constitutional amendments to make a manager charter possible were on the ballot; in two, charter commissions were elected; in one, a non-manager charter was voted on and defeated, partly because it did not provide the manager plan; and in the remaining two, manager charters were submitted. Almost continuously during these ten years there had been active agitation, programs of education, circulation of petitions, or election campaigns. By the time the present charter was ready for submission, the city was as nearly convinced as any city is ever likely to be. There was no organized opposition. The Democratic organization did not like the charter but, seeing that it was

certain to be adopted, climbed on the band wagon. The vote was favorable by four and one-half to one.

At this point the charter group made its big mistake—it did not follow through and nominate and elect an independent, nonpartisan ticket for the first council. Perhaps this was unavoidable. The public was doubtless oversold—it assumed that the war was won, that the charter would somehow automatically wipe out political spoils, cure the evils which had afflicted the city, and permit the citizens to rest secure in the belief that a good law is a substitute for citizen interest in administration. Furthermore, "anti-boss" Republicans were then in control of the city government and believed they could elect a majority of the new council. Many charterites had faith in the "anti-boss" Republicans and also thought they would win. The Democrats were not averse to trying to get control for themselves. The result was two partisan tickets.

An effort to organize an independent movement was made by a few who foresaw danger, but it failed to get support and all it could do was to endorse candidates from the Beach group or the Jaudon group, as the Republican and Democratic candidates, respectively, were known. Such scruples against the use of party labels in the nonpartisan election were forgotten in following years. The Democrats won five of the nine places, and Kansas City's machine-dominated council-manager government was started on a career which has continued without serious challenge to the present day. Has the character and efficiency of the administration it has given since 1926 justified the hopes of those who worked so long and earnestly for the new charter?

Certainly a number of the major services have been better performed than during the previous twelve-year period. Streets have been better paved, repaired, and cleaned; garbage has been collected with reasonable regularity and lack of nuisance (ashes and rubbish have never been municipally collected); public health activities have improved materially; fire losses have been reduced greatly. In addition, an extensive program of public buildings and improvements has been carried out, not without mistakes and scandals but without the long delays and disputes of previous years. In these respects there have been definite gains; in others the record is mixed.

A BOSS-RIDDEN GOVERNMENT

The police department was under state control before the charter became effective and for several years thereafter. During the last few of these years decided progress had been made toward modernization and depoliticalization. Immediately after city control became effective, however, most of the improvements were discarded and the department became and has remained as politically ridden and ineffective as it usually was in the old days. Social conditions have since been a disgrace to the city, law enforcement has been excessively lax, while rackets and gang wars have put the city on the front pages of the newspapers of the country. In finance there have been advances. No longer are city records unintelligible and useful chiefly to hide the true condition. Operating budgets are balanced, though the cash balance at the end of each year has been attained by juggling funds, by keeping property assessments at prosperity peaks, by annual salary cuts for all employees of from 20 to 50 per cent for from two to four months, by paying no direct relief costs, and by other devious methods. Like the federal government, the city has found that there are new ceilings for debt, and the end is not yet. The sinking fund deficit has grown from a million and a half dollars to ten millions. Tax rates have gone up

to meet debt requirements while the real rate has gone even higher because assessments are still at the peak though property values are in the valley.

Personnel conditions are deplorable. The merit provisions of the charter have been completely ignored, as were those in the old one. An adequate salary schedule for higher positions has raised the standard of department and division heads in some instances, but underpayment of the rank and file has generally continued, aggravated by the annual cuts. Police and fire uniformed forces, for example, would be among the lowest paid in large cities even if there were no cuts. As generally under the old charter, the city service has been used to help build the political organization. The centralization of authority and the power of the city manager, however, have resulted in a better job of machine-building. Public welfare has never entered much into the consciousness of Kansas City officials since the years when the city pioneered in setting up the first department of its kind in the country. The modern conception of public welfare is as foreign to the minds of present officials as democracy is to that of Adolph Hitler.

CHARTER ASSURES SOME BENEFITS

Briefly, it may be said that Kansas City has benefited in a number of ways from the manager charter, but is worse off in others. The benefits that have come have resulted chiefly from charter requirements. They measure roughly the extent to which the charter itself could bring improvements in service despite the violation of many of its essential principles. It is worthy of note that there has never been any movement to repeal or seriously amend the charter, but only to enforce its provisions.

If it be admitted that there have been improvements in services, it is more than ever necessary to explain the causes for the bitter denunciation to which the government has been subjected and why it is called a "failure" of the manager plan. One reason is disappointment. So much was expected and so little, relatively, has been received. As noted previously, too much faith was put in the charter alone, and the hard lesson that no form of government is a substitute for citizen interest and participation had to be learned again. Having discovered this, those who failed before and their successors can attempt now to secure the benefits which may legitimately be expected from the charter backed up by adequate citizen interest, benefits such as other cities have received. So the opponents of the machine denounce the system which has hamstrung the charter and slogan "Give the charter a chance."

But more important than disappointment is the growing realization of what the Democratic organization and its city administration have done to the city and the methods used to maintain their power. The machine has had complete control of the city for twelve years and in addition has placed its candidates in every county and judicial office except one. It has used this domination of local offices to build up its organization; appointees are active workers in the precincts and contribute on a fixed schedule to party funds. It uses its power to reward its friends with position, contracts, privileges, freedom from molestation in doubtful pursuits, tax concessions, failure to prosecute law violations, concessions of various kinds, and by all the other well known methods of political favoritism. Likewise it punishes those who too actively oppose it by its control of local taxation, inspections, and police, and by pressure of various kinds on individuals or their customers or clients, by discrimination and persecution in various forms. It is this punishment, actual or potential,

which has stifled opposition. Many citizens who are willing to forego city business or favors are afraid to incur the displeasure which might bring reprisals. So there is no effective opposition to the machine. Republicans are normally a minority and are split into numerous factions. Many coöperate with the Democratic organization, for in Kansas City, as elsewhere, the machine is actually Democratic in name only; it is a local organization interested only in its own profit and uses the name of a national party to fool the voters, many of whom might otherwise see no reason for giving it their support at the polls.

With relatively few exceptions prominent business men dare not take a stand against the organization for fear of punishment, or do not because of some business or political advantage in its continuance. The business community as a whole has been completely silenced and its various organizations seldom even protest against any action of the city, not excepting tax increases which normally arouse their fighting instincts. They and their leaders rarely undertake or promote a plan or program relating to civic affairs without first assuring themselves that it meets with the approval of the city manager. An exception occurred last year when a large group of business men did actively protest against the policy of the city manager in certain labor disputes, but that they will extend this to political opposition is too much to expect. Labor too, until recently at least, has been dominated by the organization. During the last year, however, the CIO has clashed with the administration in some cases where it believes it received unfair treatment from the police. Local and national CIO officials have recently denounced the city administration.

This growth in the strength of the machine and its use of its power to reward and punish has led to an almost complete breakdown in civic morale. For many years the city was known for the "Kansas City spirit," an aggressive, vigorous, independent unification of forces to overcome obstacles and achieve any end sought for the betterment of the city. This is no longer in evidence. The outstanding characteristic now noticeable is hopeless resignation so far as any initiative or independence of spirit in civic affairs is concerned. As a natural complement the civic standards of the people are at a low ebb; no official shortcoming or misdeed shocks Kansas City. Actions which would arouse a storm of indignation in most other cities cannot make the front page of the newspapers in Kansas City. Civic morality is in a coma.

CITIZEN GROUPS ACTIVE

To all this there have been but two outstanding exceptions among civic organizations, two which have been continuously and consistently independent, unawed, and unafraid—the Civic Research Institute and the Citizens League. The former is a municipal research bureau which, largely through the continued financial support of one of the city's leading business men who has retained his ideals and independence, has been able to keep its research and informational work going. It takes no part in political activities whether partisan or nonpartisan, but has constantly presented factual information concerning city affairs to the public and believes that this has done much to keep charter principles and good government ideals from disappearing completely from the city and that indirectly it has helped to improve the conduct of city services. The latter organization is a small, inadequately financed group which with considerable determination and a faithful secretary has done much to keep alive the spark of hope.

No story of Kansas City's government would be complete without mention of

its city manager who to a large degree is the administration. He has a unique status, not by charter provision but because of his position as city representative of the machine and of Pendergast, and because of his own personality. A forceful, ruthless character, intolerant of all who disagree with or oppose him, without experience or training in either public or business administration, with no interest in the theory or principles of administration, contemptuous of "impractical idealists" in government, he is the dominating force in the administration. He represents the organization; his word is law. He is master, not only of operating departments, but of the council as well. He does the planning and deciding; all proposals issue from him. Citizens and associations wishing to promote a project know well that it is wise to let him suggest it and get the credit for it. The council gives legal sanction to his desires by passing the necessary ordinances. Since he does so dominate, he is the center of all attack when there is attack. But he is courageous and meets it head on, asking no quarter and giving none. Sense of humor he lacks entirely; tact, coöperativeness, ability to work with others all are absent. He is a powerful, autocratic, and, many believe, lonely and unhappy man.

Kansas City, in spite of much whistling in the dark, has not been making great progress industrially in recent years. It has failed noticeably in some respects to participate in last year's nation-wide business advances. Basically, this is due to drought conditions which have prevailed in its trade territory, but there is a growing belief that city politics, also, is in large part responsible. This is not a new idea. Informed business men have been saying privately for years that the city's greatest industrial handicap has been its city government. Instances are cited of businesses which have left or were forced to leave the city and of others kept away by the political situation and its effects on city life and business. The new thing is that the idea is becoming widespread.

What are the prospects of a change this year? Opinions in Kansas City vary. Organization men believe that the machine cannot be beaten. Informed but inactive citizens say there is a slight chance. Workers in the newly formed Independent Voters League believe the prospects fair. There are a few recent developments which give the league cause for hope. One of the sources of the Democratic organization's strength for many years has been its control of election machinery, including the county prosecutor's office and the police. The Board of Election Commissioners is appointed by the governor of the state, who has been for years friendly to, when not a creature of, the organization. The boards have been consistently political in their viewpoint and have made no serious effort to secure fair and honest registrations and elections. The organization has been able to practice the grossest kind of fraud with little interference by the election board and none by the police or prosecutor. Registration books have been padded to an extent estimated at from 30,000 to 50,000 registrations, enough to swing almost any election. On election day the illegal registrations are voted. In addition, all the other well known methods of fraud are practiced.

ELECTION REFORM IN THE OFFING?

Three things have happened which promise to do away with much of this. First, a permanent registration law, with some defects, became effective last year. Second, the governor, elected with Pendergast support, has given several indications of independence, among them the appointment, without Pendergast endorsement, of an able and non-organization election board instructed

and pledged to clean up. Third, following the general election of 1936, charges of fraud were made in the federal district court. Federal grand jury indictments resulted and are still being brought in, the total number to the end of 1937 being 181, chiefly against precinct election officials. It is expected that many more will follow, with hopes that they will include higher-ups. Of the sixty-two persons tried to date, all have been convicted. A number appealed to the United States Circuit Court of Appeals, which, however, has reversed no case, though a few must be retried. These three changes in the election situation encourage workers in the new league to believe that the election in March will be a fair test of voting strength.

A second development which may aid the independent movement is the dispute between the city manager and business groups last year over labor difficulties. It is possible that some assistance against the organization may result even though an open revolt is improbable. A third is the growth of the CIO and its hostility to the machine. A fourth is the access of confidence and encouragement to the opposition resulting from these reverses to the machine and the accompanying growth of the belief that perhaps something can be done after all.

On the other side is the undiminished man power of the working organization of the Democratic machine, its strong financial resources, and the lack of both in the opposition. In addition, opposing forces lack cohesion among their various elements. Whether an organization can be built, a program drafted, and a plan of procedure drawn up which can command support from business and labor, from Republicans and independent Democrats, from newspapers, and from persons with no interest other than honest and efficient government remains to be seen. The platform of the Independent Voters League has not yet been announced as this is written. Will it be a clear-cut program for nonpartisan enforcement of the charter, including merit principles in the selection of personnel, no favoritism, and no special privileges? Will it be progressive and forward looking? Or will the league compromise in the hope of catching votes and present a colorless program in an effort to please all groups? Most important, can it get candidates of sufficient strength to win support and a leader who can rally the various groups to the common cause? The obstacles are tremendous and the time is short.

A final word and a prediction: The Democratic machine in Kansas City has passed the peak of its power and is on the way out. Whether it will lose in March may be doubtful, but it cannot stand much longer the weight of accumulating resentment against its autocratic use of power for selfish ends. It cannot resist much longer the trend of the times in city government in this country.

EDITORIAL

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might be classified under (2); (4) matters having to do with intergovernmental relationships — boundaries, consolidations, etc.; (5) a few real emergencies, such as flood and fire.

It is the thought of Laurence Tanzer, well known authority in this field, that so long as the legislature can delegate power, there need be no fear of a municipality being inadequate to any emergency. His suggestion is to pull up the anchor and cast off.

It is a proposal not merely interesting but worth serious consideration. Should New York State adopt it as a policy, it would represent a further step along the home rule road that would be watched with keen interest by officials and political scientists throughout the country.

The Merit System and the Constitution

In order to avoid "legislative tinkering" and assure permanent merit rule, the competitive principle in appointment of civil service employees should be embodied in the constitution.

H. ELIOT KAPLAN
National Civil Service Reform League

AT NO time in the last decade has so much lip service been given to the cause of the merit system as is being given today. Not since the days of Curtis, Eaton, and Schurz have we had such articulate public demand for improvement of our government service. In the last year an aroused citizenry has forced five states to join the civil service parade. Arkansas, Connecticut, Maine, Michigan, and Tennessee have put an end to the patronage pastime. Many other states and numerous cities are ready to throw off the yoke of the spoils system. The impetus given to the career service ideal by the recent report of the President's Committee on Administrative Management, and the President's own demand on the Congress to extend the merit system upward, downward, and outward, have had a salutary effect on the public consciousness.

Is this to be a march to greater heights or is this but the manifestation of another temporary revival of interest in creating a better civil service? Have the political organizations really seen light at last, or are they just playing possum, biding their time until the people have again been lulled into a false sense of achievement? If history repeats itself, the fate of Kansas will not prove an isolated phenomenon. Within three years after its adoption the Kansas law became a dead letter. So have many others. Perhaps the chances for permanency are now brighter. Maybe a new era in public performance is upon us. Time alone can tell.

Experience has proved that the adoption of a civil service law is but the beginning of the battle. A civil service law is accepted by the political organizations with more regret and reluctance than any other legislation. Both Democratic and Republican statesmen have to give up the ancient prerogative of dispensing largess to the faithful. To entrust the life of the merit system to transitory legislators invariably controlled by the political organizations is a risky business. Some safeguard that does not strangle administration must be invoked.

In 1894 the New York State constitutional convention, under the leadership of Elihu Root, adopted what appeared at the time a rather innocuous declaration that:

> Appointments and promotions in the civil service of the state, and of all the civil divisions thereof, including cities and villages, shall be made according to merit and fitness, to be ascertained, so far as practicable, by examinations, which, so far as practicable, shall be competitive.

Undoubtedly the political leaders thought this innocent appearing sentence, so persistently advocated by the reformers, would soon fall into a state of hopeless desuetude. It seemed a mere pious prayer for a new vogue in public administration, without teeth and without threat of practical application or

enforcement, a bone thrown to the "crackpots" to quiet their clamor for more serious changes in the constitution.

What a shock it was to the politicians when, in less than two years after its adoption, the New York Court of Appeals declared the provision self-executing in its effect and sweeping in its application (*McClelland vs. Roberts,* 148 N. Y. 360). The new law that was at first viewed as a joke turned out to be something real and potent after all.

After this early pronouncement of the highest state court, attempts were made to veer away from the "strict" interpretation. Although in many instances, particularly in the lower courts, exceptions to the broad principles laid down were often sought to be made—and sometimes successfully—in late years, the trend has been in the direction of stricter enforcement.

COURTS UPHOLD MERIT SYSTEM

Recently the Court of Appeals was called upon to pass judgment again on this clause of the constitution. A more liberal interpretation—that is, more generous to the political organizations—was sought by the spoilsmen. After a ten-year fight by the New York Civil Service Reform Association to place the large retinue of clerkships of the municipal courts in the competitive service, the court finally upheld the competitive examination system for such positions. Its opinion is a landmark in civil service legislation and should prove a sufficient answer to the skeptics who belittle the need of a civil service clause in the fundamental law. In *Friedman vs. Finegan,* 268 N. Y. 93, (decided June 4, 1935) the Court of Appeals in invoking the constitutional mandate for merit and fitness examinations stated:

> The fundamental underlying will of the people as expressed here is that there shall be competitive examinations for all civil service appointments. Exemption is the exception, not the rule. Whenever it is practicable to do so, the legislature and the commissions appointed by it shall provide for competitive examination. In *People ex rel McClelland vs. Roberts,* 148 N. Y. 360, this court said: "If the legislature should repeal all the statutes and regulations on the subject of appointments in the civil service, the mandate of the constitution would still remain, and would so far execute itself as to require the courts, in a proper case, to pronounce appointments made without compliance with its requirements illegal."

In discussing further the application of the competitive principle, the court stated:

> These exemptions which may be made by the legislature or by the civil service commission appointed under its authority must have relation to the duties of the office and not simply to the title which is used. In other words, there must be a reasonable exercise of the power given under the constitution. With liberality in application it must be that competitive examinations are not practicable for the position or office. There must be something as indicated in the Chittenden case, in the nature of the duties which makes the service either one of confidence or else of such importance that personal selection instead of competitive examination is for the best interests of the public and the fulfillment of the particular duties. In other words, the legislature cannot act arbitrarily and exempt places from competitive examination at will. The duties must have some relationship to the exemption and the classification must be reasonable.
>
> Difficult it is at all times to place limitations upon power, for new circumstances are always arising to extend or restrict the limitations. For the present we may say, bearing in mind the purpose which the constitution sought to accomplish and to extend the competitive examination principle wherever it can be used, that there must appear to be some fairly good reason to justify an exemption whether made by the legislature or by the commission.

In an earlier case involving the legislative exemption of so-called "confidential" appointees of the attorney-general's office employed in the fraudulent securities investigation bureau, the Court of Appeals in an opinion written by Judge Cardozo, laid down the rule thus (*Ottinger vs. State Commission,* 240 N. Y. 435):

> The legislature retains the power of selection among means appropriate to the end, but choice must rest upon reason, and not upon caprice. To know the limit of the practicable, we must give heed to methods and institutions that are functioning in practice. To mark the frontier of the attainable we must find the line attained.

This view Judge Cardozo reaffirmed in *Barlow v. Berry,* 245 N. Y. 500, wherein he declared:

> Discretion there is in determining the limits of the practicable. It is not, however, an uncontrolled discretion, but one subject to the teachings of experience and the supervision of the courts. The range of selection must be determined by a principle of general application unless the qualities to be preferred are so unique and extraordinary as to bid defiance to classification and call for treatment by themselves.

The real value of a similar constitutional provision in the fundamental law of the state is that it would establish the merit principle once and for all, and prevent the common practice (too often indulged in by all political parties, state and municipal legislatures) of exempting one agency or department after another from the civil service rules. Such provisions will not guarantee absolute emancipation from the spoils system (witness Ohio and Colorado), but will at least assure the people of a permanent merit rule removed from legislative tinkerers.

John T. Doyle, for fifty years on the staff of the federal commission, its secretary for many years preceding his retirement in 1933, and a person of encyclopædic knowledge concerning the federal service, has reluctantly though wholeheartedly come to the inevitable conclusion that a constitutional provision is essential "to provide against legislative tinkering" of the civil service laws, and believes that even the federal government "can only be saved from spoils provisions by like means."

More and more experts familiar with the legislative histories of the civil service laws have come to believe, as the *New York Times* lately put it, that "the sure and safe method is by amendment of the constitution."

In 1908 Chief Justice Charles E. Hughes, then Governor of New York, made this prophetic statement in appraising the civil service provision in the New York State constitution:

> Now, we have got it embodied in the constitution of the state, we have it written by the people of the state, that appointments in the various civil divisions of the state shall be according to merit and fitness, so far as practicable, to be determined by examinations, and those examinations, so far as practicable, to be competitive. And there is no clause in the constitution since those great clauses embodying our fundamental rights were written which is of greater importance to the maintenance of high standards of administration than that clause, the full scope and meaning of which have not yet been fully determined by the courts, but are destined to be in time. It gives me particular pleasure to say that from the viewpoint of office we have nothing more important in relation to the administration of government than a system—the best that has yet been devised—of securing men of the needed capacity by competitive examination wherever such examinations are practicable. I believe in that, I thoroughly endorse it, and I hope to see it extended throughout the states of the union.

One shudders to think what the civil

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The Study of Local School Units in Ten States

Surveys under United States Office of Education paving the way for organization of more efficient and economical educational systems.

HENRY F. ALVES
United States Office of Education

ONE of the projects in which the Office of Education has been and is cooperatively interested is the study of local school units, made possible by a grant of funds from the emergency relief appropriation act of 1935. This project has been administered by and through the Office of Education in coöperation with the state departments of education in Arizona, Arkansas, California, Illinois, Kentucky, North Carolina, Ohio, Oklahoma, Pennsylvania, and Tennessee. The purpose is to study existing educational conditions with special reference to local school administration, to determine the possibilities for organizing more satisfactory schools, school attendance areas, and local units of school administration.

In the administration of this project each state, in effect, has constituted a unit of effort with the chief state school officer designating a staff member for appointment as state director and nominating one or more qualified persons for appointment by the secretary of the interior as associate and assistant directors. Although this officially appointed personnel directly assumed responsibility for the prosecution of the study program in the state in every instance, this project was considered of such significance that the chief state school officer and his staff members have shown an active interest in the work. Whenever conditions permitted, the work of this project has been carried on a state-wide basis.

In its efforts to be of every possible assistance to the states, the Office of Education suggested that circular no. 156, "Handbook of Procedures for Planning the Reorganization of Local School Units," be used as a guide in planning and prosecuting the project. Although this handbook was prepared for general use, it proved to be a valuable and essential basis for work in these ten states. Necessarily, each state made such modifications of suggested forms, plans, and procedures as would make them adaptable to its peculiar conditions.

The Office of Education has attempted to render further assistance by individual visits to the states, through group conferences, and through communications offering suggestions for studying generally and specifically factors contributing to the study. Only a few of these contributing factors can be noted:

a. The advantages and disadvantages of legal prescriptions and/or limitations for existing organizations.
b. The present programs of local and state support, with corresponding strengths and weaknesses of these programs as they are related to the possibilities for more satisfactory organization.
c. The ability to finance adequately not only needed school building programs but existing as well as desirable educational offerings.

It is quite generally recognized that the organization of more satisfactory schools, school attendance areas, and local school units demands careful planning based on a thorough study of pres-

ent educational conditions, the analysis of which may be expected to help at least in pointing the way to the centralization of schools and to the reorganization of existing local school units, involving possibly the abolition of some of the present schools, the replacement of some of the present school buildings, the location of required new school buildings, and the projection of needed school programs.

It thus follows that such plans can be made only: (a) upon the basis of primary or factual data concerning the present schools and school centers and the existing local school units, and (b) upon the application of approved criteria or standards of school facilities and of school organization and administration.

When these primary data have been collected, organized, and properly analyzed in terms of desirable criteria or standards, plans for the centralization of schools and the organization of satisfactory local school units in any given area can then be quite readily formulated. Logically, as such plans progress, cognizance must be taken not only of the territory involved but of the services to be rendered and of the cost of the required school building facilities (unless present facilities are adequate), as well as the adequate financing of the educational program to be offered.

COLLECTING AND ANALYZING DATA

The data to be basically considered in this study and to be recorded by schools and existing local units refer to population; to the number and distribution of pupils by grades; to the size of school and the length of term; to the distribution of the teaching, supervisory, and administrative personnel; to the services being rendered; to the trends in assessed valuations of taxable property for school purposes, in school tax levies, in school bonded indebtedness, and in transportation; to the status of present school plant facilities; and to the current costs as related to existing local unit organization.

One of the first steps for guidance in considering possible organization is the preparation of at least two basic maps. The first of these should show: (1) school district boundaries; (2) location of school buildings and grades actually taught in each building; (3) extent and jurisdiction of districts whose territory lies in two or more political subdivisions; (4) roads: (a) main or all-weather roads, (b) other roads, principally graded roads (those not included in main roads); (5) principal streams (especially those that divide communities), mountains, and other natural barriers, highways, bridges, etc.

The second map should show the distribution of school population by school attendance areas and by existing local units. The number of age groups representing approximately the proper ages for elementary, junior, and senior high school grades, respectively, should be noted by appropriate symbols. The ages corresponding to the three groups just referred to are generally accepted as being 6-11, 12-14, and 15-17.

Whenever possible, separate maps should be prepared to show the status of present school buildings and sites and to show transportation routing, including condition of roads.

MINIMUM STANDARDS

Although it is recognized that conditions demand variations from any selected criteria, it is necessary to set up minimum standards as to the organization, the size, and the location of schools, and as to the qualities of school buildings, as well as to services to be rendered. The following are suggestive:

(1) The organization of schools: The school system should furnish at least twelve years of instruction to all children mentally and physically capable of profiting by that amount of instruction

and should be organized on the 6-3-3, 6-6, or 8-4 basis.

(2) Size of schools: In order to provide adequately for the needs of society and the various individuals of the school population through a sufficiently broad and comprehensive curriculum, the schools may well be of the following minimum sizes:

Elementary schools: a desirable minimum of approximately 280 pupils and seven teachers, or an absolute minimum of about 240 pupils and six teachers.

Secondary schools: a desirable minimum of approximately three hundred pupils and ten teachers, or an absolute minimum of approximately two hundred pupils and seven teachers.

In all cases where it is practicable, larger schools than those required by the minimum standards should be established. Where the topography of the country, road conditions, and the community life of the different areas make a smaller school desirable or necessary, schools smaller than those called for by the minimum standards must of necessity be established. It should be pointed out here that some authorities in rural education look with favor on the establishment of elementary schools having only one or two teachers and two to four grades of work. Their chief interest is to form attendance areas which will have a sufficient number of pupils to constitute full teaching units and to keep the schools for small children near their homes. They hold that the formation of school units large enough to provide a complete program of education is either undesirable or unattainable in rural areas. The decision concerning such matters will have to be treated as a matter of local concern.

(3) Location of schools: The general topography of the country, including streams and other natural barriers, soil conditions, the present and probable future conditions of the roads, and the existence of community lines and community activities should be considered as determining factors in the location of schools. Where the removal of the school would do too great violence to certain well established community enterprises and attitudes, a school should not be removed, although at the time it may not meet the standards of the minimum size of schools.

Schools should be located in relatively permanent centers of population. Permanency of population is to be judged not alone by the growth of population in the past but also by present factors that will probably influence the stability, growth, or decline of population in the future.

Schools should be located near the principal centers of population so as to be convenient to the maximum number of pupils affected and on the most suitable site available.

If it can be demonstrated that in the long run the abandonment of usable school houses will be more economical, the present buildings should be abandoned without regard to their condition and new buildings on new locations provided.

(4) Transportation of pupils at public expense should be kept at a minimum by the location of school buildings so as to permit the maximum number of children to walk to school but should be provided for all pupils who do not live within walking distance of school.

(5) School buildings: The school buildings should be planned from a functional point of view, i.e., they should be built with definite educational services in mind.

The building should be arranged and constructed so as to be free from fire and accident hazards. It should be properly lighted, heated, and ventilated, and so oriented as to facilitate such provisions.

The building should be equipped in such a manner as to make possible the maximum of health, safety, and instructional efficiency of both pupils and teachers.

The school site should be easily accessible, well drained, free from hazards to health and safety, free from disturbing noises, and should have ample playground facilities. There should be a minimum of one acre for each fifty pupils, and a minimum of five acres for any school having 250 or more pupils.

If by alterations or additions present school buildings can be made to meet the standards set up, then remodeling should be considered. Otherwise, new buildings located on suitable sites should be recommended.

PLANNING THE REORGANIZATION

With the aid of basic maps and with the pupil personnel and other data revealing the status of the existing school situations, the most desirable senior high school center or centers can be readily selected in the area concerned. Ordinarily there will be very little, if any, difficulty encountered in securing general agreement upon locations of large central high schools. The problem of eliminating, either partly or wholly, high school instruction in existing small schools and of eliminating small schools may be expected to involve considerable discussion. The elementary schools in the area with the proposed high school center or centers should be studied to determine, first, which schools should be retained and possibly enlarged by consolidation with others and, second, which schools should be abolished. It is apparent that the determination of these two facts is necessary before problems relating to and involving required administrative, supervisory, and instructional services, needed physical plant facilities, transportation, and the ability to meet financial responsibilities in proposed local school units can be intelligently considered.

In the aforementioned or similar procedure for planning at least the tentative locations of senior, junior, and elementary school centers, a record of the lists of schools should show for each data relating to school population, the grade distribution of pupils, the number of classroom teachers, etc., for schools being retained as well as for those not being retained.

As the final plan for proposed reorganization is formulated, a map or maps should be prepared of the territory under consideration to show the boundaries of the proposed administrative units, the proposed school attendance areas, the location and the size of each proposed school building, as well as the distribution of school population and the planned bus routes.

In this study of local school units states wisely used state and county advisory committees in their evaluations of existing educational conditions in terms of the selected and approved criteria as the bases for the location of school centers and local school units. Educators, as well as laymen, residing in the area or areas studied were fully apprised of the procedures used and were given the opportunity of actively participating in the discussions involving the strengths and weaknesses of the existing as well as the proposed organizations. Following these joint discussions and considerations the state project staffs then prepared written reports revealing existing conditions and reflecting proposals. In some instances these area-wide reports, usually for counties, were reproduced (mimeographed) in considerable quantities.

Projecting needed school building programs. Dependable data must be collected relative to school sites, to provision for classroom and other room facilities, to general service systems, to par-

ticulars for classrooms, gymnasiums, auditoriums, cafeterias, etc., to reveal the adequacies and the inadequacies of present facilities.

In the effort to provide an adequate school building program, findings of the study must show where and what schools are needed, based, among factors already referred to, on the number of pupils and on the services to be offered. The room facilities needed must be determined in terms of alterations of and additions to existing buildings and of new buildings needed immediately and in the future. Since in many cases it is inadvisable and perhaps impossible to inaugurate complete reorganization, some schools, as well as some school centers, will have to be temporarily retained and consequently marked for future abandonment and probably consolidation with other schools or centers. In contrast, some schools and school centers will, of course, be readily recognized as permanent.

Any effort to predict building needs, immediate or future, must recognize, in addition to trends in general and school population, such factors as are revealed by land utilization maps and population and industrial surveys.

FINANCING THE PROPOSED PROGRAM

It must be recognized that data basically used to determine the proposed organizations must reveal not only school building needs but the estimated costs of the required building program, as well as of the proposed educational program. At the same time, the ability of the area (proposed local unit) in question to finance all requirements must be determined.

To predict the ability to finance the projected building program data must reflect the present indebtedness of school districts, the additional indebtedness required for immediate and future needs, the amount of debt that can be legally contracted, and the amount of funds that can be raised to finance both the immediate and the future programs.

The cost per classroom or some recognized unit cost for the construction of buildings, classified according to size of buildings, type of construction, and kind of school must be made available. The amount of legal debt will have to be calculated from the assessed valuation of property in accordance with state laws governing the contracting of indebtedness for school purposes. The difference between the required debt and the legal maximum debt will reflect the amount of estimated cost of the projected building program that can be financed by the local administrative and/or taxing unit and the amount of state and/or federal funds required to supplement local funds. It is recognized, of course, that required school building facilities can be constructed on the pay-as-you-go basis.

To predict the ability of the proposed administrative units to finance the current cost of the projected educational program, including transportation, data must be made available to show: (1) number of teaching units at the elementary and secondary levels; (2) cost per such teaching unit with the corresponding estimated annual expenditures; (3) probable cost of transporting children not living within walking distance of the respective schools; and (4) anticipated income of sources and amounts.

In estimating annual expenditures some recognized and acceptable costs, such as the cost per teaching unit and per transportation unit, will be needed.

The amount of income from local sources will have to be calculated from the assessed valuations of property in accordance with the constitutional and/or statutory prescriptions and/or limitations relating to current expenses for school purposes. The income from state as well as from federal sources will logically be estimated on the basis

of existing and of other expected provisions for funds for school purposes from these sources and on the basis of existing methods for distributing such school moneys to the subdivisions of the state.

After the work of this project had been in progress about seven months a conference held in the Office of Education was attended by the chief state school officers, the state directors and associate directors of the projects in the ten states, the national advisory committee appointed by the commissioner of education, and the Office of Education project staff. This conference was considered advisable and necessary by all concerned to make definite plans for the work to be done during the remaining months of the study. The wholehearted and active interest in the states as to the possibilities of this study program is definitely indicated by the consideration of the following topics at this conference: (1) objectives of the study of local school units as related to the state program of education; (2) projected relationships of proposed local school units to the state and its existing educational subdivisions; (3) principles and procedures necessary to assure practical outcomes from the study of local school units in (a) securing public support, (b) formulating the legislative program.

In addition this conference gave due consideration to the state project reports as well as to the reports to be prepared by the Office of Education. Officially, the projects in the states closed June 30, 1937; actually, it may be expected that the work begun during the life of the project will continue in most cases for an indefinite period. Where funds permitted, state departments of education made definite assignments to regular staff members for the continuation of the study program and particularly for effecting proposals that had received general approval in localities. The state project reports, when published and released, coupled with the individual county reports, are considered not only as desirable but as basic materials by states in their serious consideration of many of the pressing educational problems, a large number of which are directly or indirectly in effect the results of weaknesses in the existing organization of local school units for the support and administration of schools.

The fact that these ten states, as well as several others that were successful in securing their individual state projects, have faced the situation frankly and energetically in the search for plans and procedures pointing to the organization of more efficient and consequently more economical local school units is, to say the least, most promising. The progress that has been made to date in these states may well be considered only the beginning of the progress that may be expected during the coming years. Studies similar to those carried forward under this project are certain to receive increasing emphasis in the next few years until each state, through a study of existing educational conditions, evaluated in terms of selected criteria, has carefully formulated plans for local school organization which will be more conducive to efficiency and economy in public school operation.

Editor's Note.—Address before Forty-third Annual Conference on Government of National Municipal League, Rochester, New York, November 18, 1937.

A New Administrative Code for New York City

Board of Statutory Consolidation completes huge task of codifying the many statutes and ordinances relating to the city's government, bringing them into line with new charter.

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AT A special session of the New York State legislature, called in December by Governor Lehman for the purpose, a new administrative code for the City of New York was enacted into law. The new code brings together the provisions of law regulating the details of the city administration in harmony with the city's new charter adopted in 1936 and effective January 1, 1938.

The New York City Charter Revision Commission was constituted by an act of the state legislature in 1934 to inquire into the structure of the city government and to submit a new charter to the people of the city. This charter was subsequently submitted to and approved by referendum of the city's voters on November 3, 1936. The charter, however, does not purport to embody all of the provisions of law relating to the government of the city. It provides the structural framework and is intended to set forth the organic law reflecting the scheme of government which in the judgment of the commission is best suited to present-day conditions.

The Board of Statutory Consolidation was created in July of 1936. The members of the board are the mayor, the comptroller, the president of the Board of Aldermen,[1] and the corporation counsel of the City of New York. It was established for the purpose of continuing the work of the codification division of the Charter Revision Commission which had been brought into existence by resolution of the city's Board of Estimate and Apportionment.

Upon the adoption of the new charter it became the duty of the board to prepare an administrative code for ratification by the state legislature.

Every effort since the turn of the century to simplify the statutory sources of the City of New York has been based upon the principle of a structural charter to be followed by an administrative code. A combination of these features was prepared in connection with the ill-fated charter submitted to the legislature of 1909. The administrative code plan for New York City seems to have originated with William M. Ivins who was chairman of the New York City Charter Revision Commission of 1907.

An analogy might be drawn in describing the relationship between the administrative code and the charter as on a par with the relationship between the statutory law and the constitution of a sovereign body, wherein those provisions which were intended to be flexible and to yield to changing conditions would be subject to easy amendment, while primary grants of powers and important limitations upon abuses of power would be contained in a body of

[1]President of the council after January 1, 1938.

law which would express fundamental principles and ideals of government. These would not be expected to change except over long periods of time.

The restrictions placed upon the amendment of the administrative code by the state legislature, however, despite the spirit of the home rule amendment, seem excessive, so that the objective of real local control of the code remains unattained. It is to be hoped that this may be remedied by the constitutional convention to be held this year.

IMMENSITY OF PROJECT

With the formidable task of examining all of the law relating to the government of the City of New York in prospect, it was with some misgiving that the project was launched. The immense amount of material to be examined, the unanticipated difficulties which would be encountered, the inability to foresee accurately the time within which the work could be completed, the expense attendant thereon even if the task could be accomplished, had been for many years a sufficient obstacle to any such undertaking. The magnitude of the task was self-evident and its very magnitude led many informed persons to predict that such an undertaking would require from five to fifteen years. Efforts along similar lines had already been made by the State Board of Statutory Consolidation of 1904 which did not conclude its duties until seven years had elapsed, and which did not attempt to solve any of the problems involved in examining large masses of legal material other than those of collection and restatement. In the state of New Jersey a like effort has been made and, after twelve years, at a cost of over one million dollars, the work of that commission was finally adopted. Even the mere compilation of a digest of the special statutes affecting the municipalities now included in the Greater City of New York required eight years of research by the New York City Charter Commission of 1921.

In many respects the survey undertaken by the board was a pioneer effort going beyond any previous study. During a period of more than one and a a half centuries, the laws relating to the City of New York had grown haphazardly into an overwhelming mass of statutes without system or arrangement. In this disorderly growth conflicts and inconsistencies have multiplied. No previous report had attempted to bring order out of this statutory chaos. Previous compilations were confined to the ascertainment of a single kind of information, that is, legislation of a particular class, of a general character, or of one or two of the categories included in the plan adopted for the work of the board.

It was the aim of the board to cull from the records all the information to be used ultimately in compiling a report of the sources and development of the law affecting the interests of the City of New York, and to publish a concise restatement, in the form of an administrative code, of the live law which harmonized with the New York City charter, completely annotated with adjudications wherever litigated. To accomplish that result the work of the board could not be limited to the charter or to any particular branch of local law, but of necessity entailed an exhaustive study of the whole body of general, local, and special laws affecting the city.

Past charter revisers and law codifiers appear to have approached their respective tasks in a very cautious spirit which seems to have affected their work from the beginning. Indiscrim-

inate re-enactment of existing law and the blanket continuance of all consistent law was accepted as the cautious and safe method. In that way the heavy burden of an exhaustive examination of prior legislation was avoided, but statutory disorder was promoted. City and county officials and the judges of our courts who had attempted to construe and apply the huge and conflicting mass of law by which the city is governed have a true understanding and appreciation of the immensity of this task.

The board set up four main objectives outlining the aspects of the work to be done:

> (1) The collection of all law applicable to the government of the greater city; (2) the ascertainment of the part of this law which was alive; (3) the restatement of the live law so as to harmonize with the provisions of the new charter; (4) the annotation of the law restated by footnoting pertinent cases, statutory history, and references to cognate statutes and the preparation of explanatory codifiers' notes.

PERTINENT LEGAL MATERIAL

The first problem was the determination of the legal material to be collected. It may be borne in mind that at the commencement of the work by the codification division in July 1935, the new charter had not yet been drafted so that the scope of the research to be undertaken was necessarily indefinite. It was decided generally to include all legal material with relation to the government of the city. The collection of this, however, had to be so arranged as to include all legal material which might be necessary for the restatement and annotational work that was to follow.

Great difficulty was encountered in gathering together for study all of the law as now constituted, including that of the five counties included within the city—New York, Bronx, Queens, Kings, and Richmond.

The legal material affecting the government of this city was not restricted to laws enacted by the state and local legislatures or to ordinances enacted by the former Board of Aldermen. The ancient colonial charters were carefully studied, the rules and regulations of the local administrative agencies having the force and effect of law were collected, and the cases of both local and state courts compiled. In addition, the opinions of the corporation counsel and of the attorney-general of the state were studied for the guidance that these might afford. Even the federal statutes and treaties were considered for whatever bearing they might have on the administration of the city government. These laws could not be found in any single volume or set of volumes. They were scattered throughout the length and breadth of the law.

The traditional method of individual legal research was abandoned because through years of experience, the corporation counsel and lawyers involved in litigation with the city had found the various digests and indices hopelessly inadequate. Reference books are not compiled from the point of view of segregating the law applicable to the city. Because of this the codification division proceeded to examine all of the law, page by page, as the only efficient method of assembling a complete collection of that relating to the city.

ASCERTAINMENT OF LIVE LAW

After a complete collection was made, determination of what part of this material was operative became the immediate problem. The necessity for this research was due to the fact that neither the Greater New York charter of 1897 nor that of 1901, nor any subsequent action by the legislature re-

pealed the provisions which were no longer operative within the territorial limits of the consolidated city.

The board found itself faced with a legislative heritage of 160 years of legislation applicable to a city into which more than two hundred communities had been merged. A great part of this body of law was superseded only by the fact that its subject matter was embraced in later law.

Previous legislators had neglected the problem of laws apparently alive but actually inoperative because of later inconsistent law. In the heat of legislative sessions, and more especially during the rush of the closing hours when many bills are drawn or amended, and passed, draftsmen do not have the time or facilities to indulge in the research necessary to work out a specific repeal of all prior inconsistent acts. Another factor is the element of great caution that looms large in the mind of every bill-drafter. This continuing legislative timidity has resulted in a long series of acts on the same subject, which were in whole or in part inconsistent with one another, being permitted to remain on the books. The problem created by the long continued use of the easy device of a blanket repeal of inconsistent laws is as old as the legislature. It arises to vex the courts almost daily, yet nothing has been done about it. Glaring and troublesome as such repeals are, legislative draftsmen have continued their use. Today the statutory confusion is such that the use of the conditional repealer is almost unavoidable. The board determined to assume the heavy burden of examining all prior legislation so as to ascertain the extent of such repeals affecting the laws of the city at least and to correct and bring such laws down to date and prepare a specific repeal table, including all inoperative laws. The same task is necessary and should be done for the body of state law not treated by the board.

Particular difficulty was encountered in ascertaining the effects of provisions of the new charter on earlier provisions of law because the new charter was stated to be a structural charter intended to embrace only the fundamental law of the city. The board was greatly assisted in ascertaining the intent of its provisions by Professor Joseph D. McGoldrick, now comptroller of the city, who was a member of the Charter Revision Commission, and Professor Joseph P. Chamberlain, counsel to that commission, who worked unofficially on this problem in company with the legal staff of the board.

Another troublesome problem was the task of ascertaining the substantive content of clauses conferring powers by reference to other unspecified laws. The legislature in Albany and the local legislature in this city have repeatedly used such clauses to insure the continuation of various powers in the different officials concerned.[2] The constitution (article III, section 17) prohibits incorporation of law by reference but this has been observed only in the breach.

There were several thousands of such clauses collected by the board. It was found that only in a very few instances was a real transfer of power affected thereby. However, so long as such clauses remain in the law applicable to this city, all of the law, dead or alive, will have to be examined by anyone attempting to ascertain the content of each undefined power conferred by reference.

THE LEDGER

In the early stages of the work it was recognized that for the purpose of

[2]A graphic illustration of such a clause is found in the old charter (ch. 466, l. 1901) section 387.

restating in the administrative code the operative law relating to the City of New York, and the annotations thereof, and for the purpose of providing a record for use in the future, it would be invaluable to have a permanent record of the statutory history of all such law. The statutes and local laws represented the only type of law susceptible to the detailed recording which would indicate accurately the history of each such provision. It is only in such laws that reference may be found to earlier law which was intended to be repealed, amended, or superseded. The ancient charters, the ordinances, and the case law do not in most instances indicate the specific law intended to be repealed.

Accordingly, a device was adopted for the local laws and statutes which consisted of a ledger designed to indicate accurately and in easily understandable fashion the complete legislative history of every such law applicable to the city, including all additions, amendments, repeals, etc. It was so constructed as to be capable of expansion as further laws are enacted.

CODIFICATION

When all of the operative law of the various types enumerated above had been gathered, it became the duty of the board to organize and restate the law applicable to the city without regard to the illogical arrangement in the old charter or the code of ordinances, or the isolation of individual state statutes or local laws. These laws when originally enacted were often considered as independent entities and reflected the careless and hurried manner in which they were drafted during the turmoil of legislative sessions.

In restating the law which had been segregated for inclusion in the code the more usual problems of bill-drafting were encountered with the additional difficulty that the organization of each draft had to conform in arrangement with the provisions of the new charter. The new charter by itself is not sufficient for an understanding of the operation of the city government. On the other hand, the administrative code by itself is scarcely understandable. Because the new charter had already become established law it was necessary to draft the code provisions so as to integrate with the provisions of the charter. The plan adopted envisaged the eventual printing of the charter and code together, the relevant code provisions following each related charter provision. Where, as in the case of pensions in the various departments, there are no charter provisions relating to a particular subject, a separate title was added to the general chapter relating to the agency involved.

In drafting, the board was faced with the necessity of rewriting thousands of provisions of law, each drawn up by a different draftsman at a different period of time, and reflecting his distinct style or lack of style. Crude bill-drafting has been the rule in the past. In thousands of instances the statutes to be codified were found to be ambiguous, redundant, tautological, inartificial, contradictory, and often ungrammatical.

The prevalence of such incompetent drafting has often evoked the criticism of the president, the governor, and the mayor. Not infrequently bills have been vetoed because loosely and inadequately drafted. When provisions of such bills are of great public interest, and for that reason escape executive disapproval, the resultant difficulties of interpretation fall upon the courts.

Nothing should be more clearly and precisely expressed than legislative enactments. It cannot be too strongly

recommended that permanent provision be made for adequate facilities to insure expert bill-drafting. Drafting of statutes improves when an official body charged with the duty of drafting bills is created. This has been done for the state legislature.

In order to avoid the confusion that would have resulted if the administrative code had not been ready for enactment prior to January 1, 1938, and to avoid inadvertent changes in substance by changes in language, it was necessary to curtail considerably the extent of redrafting, even when improvement was desirable. In most cases, however, it was possible to achieve clarity and succinctness.

Two notable illustrations of consolidation and restatement were achieved. With the coöperation of engineers and surveyors provisions were drafted which accurately portray the territorial limits of the city. The boundaries of the city had never been set forth explicitly in one law. The other outstanding instance was the drafting of provisions regulating the acquisition of real property both for the purposes of assessable improvements and capital projects. A brief comparison of the old provisions in chapters 17 and 21 of the 1901 charter with chapter 15 of the administrative code is sufficient to indicate the vast improvements effected by the legal staff.

The next problem was, of course, the determination of the nature of the laws to be included in the administrative code. A criterion for inclusion might have been adopted in accordance with the power to enact local laws. Careful consideration was given to this factor. However, the line as thus drawn is sometimes so arbitrary and so often the product of accident that such a standard could not possibly be employed as an exclusive one. For example, it is evident that such provisions as those relating to the pension systems of the New York City employees have their proper place in the code and not in any other body of law, even though they are not within the home rule power. The final determination was made along these lines. If a law related primarily to the operation of the city government and had no appropriate place in any consolidated law it was then incorporated into the administrative code.

This determination necessitated the exclusion of the provisions relating to court and county officers within the territorial limits of the city, who for the most part were governed by the provisions of the consolidated laws or other codified acts. These provisions, since they did not relate primarily to the administration of the city government, were excluded from the administrative code without regard to their previous location in the code of ordinances, the 1901 charter, or in the consolidation act of 1882. In order not to leave such provisions in limbo, they were recommended for enactment into appropriate consolidated laws and court acts. The board recommended, in addition to the administrative code, an "omnibus bill" which was designed to incorporate such laws into their proper places. This bill was not introduced in the state legislature at the special session last December, but has been introduced at the present regular session.

A third bill, relating to such county officers as the district attorney, registers, county clerks, and public administrators, was also recommended by the board for enactment. It was designed to effectuate the same result as the omnibus bill, but in view of the political difficulties encountered in enacting laws relating to county officials within the city, it was thought that it would be unwise to combine the two.

It is to be hoped that both will be enacted by the legislature at this session, so that the original purpose of the board, to leave no provisions of the old charter, the code of ordinances, and the consolidation act of 1882 alive, will be effectuated.

A final practical difficulty which resulted from the existence of both the administrative code and the charter was the problem of integrating the two, so that they can be read as one body of law. Since the charter was not to be a part of the bill enacting the administrative code, it was necessary to devise some system of designation that would roughly indicate the relationship between all code provisions and the relevant provisions of the new charter. To accomplish this result a somewhat unique numbering system was adopted. The section numbers for the administrative code were composed of two factors separated by a dash. The factor preceding the dash was the section or chapter of the charter to which the particular code section related, for instance, section 126-1.0 of the code relates to the subject matter regulated by section 126 of the new charter. The numbers following the dash indicate the order of the code sections relating to the particular portion of the charter specified in the number preceding the dash. The .0 following each number after the dash is designated to avoid renumbering the code as new sections are added or inserted between any two sections now contained in the code. A section which the legislative body hereafter desires to insert between, for example, section 603-1.0 and section 603-2.0 would be numbered section 603-1.1. Where a provision of the code relates to a chapter of the charter generally, but not to any specific section, the number preceding the dash indicates the chapter to which it relates. The chapter number is preceded by a letter indicating the title of the code chapter in which the provision is placed.

ANNOTATIONS

In order to assist readers of the administrative code as to the actual intent in any change of language, it is hoped that an annotated edition of the administrative code can be prepared by the board which will contain explanations in the form of codifiers' notes.

It is expected that the publication of the administrative code will contain the new charter and it is hoped to include similar notes for the new charter.

The legislative history of each provision will also be included in the annotations. Every lawyer can appreciate the usefulness of the legislative history of every provision included in the code or in the new charter. Such information is compiled in the ledger and the records which were prepared by the board.

Particular pains have been taken to compile complete references to all relevant laws which have been omitted from the administrative code. These notes will be included in an annotated edition of the charter and the code.

CONCLUSION

The board did not profess to have achieved perfection in its work. Rigid precautions were taken to make the work as nearly accurate as the margin of human error will allow. Nevertheless, it is expected that shortcomings will become apparent. Minor inaccuracies are inevitable in dealing with as great a mass of legal material as the board has considered. Every problem incident to a codification and restatement of the law relating to New York City has been considered and dealt with intelligently, within the realms of human capacity. The bills submitted were as fine and scholarly as legal re-

search could make them. It is expected that the clarification of the law will provoke substantive changes by indicating the need therefor.

In addition to the general haphazard arrangement now existing in the field of state-wide law, many references in such laws were rendered inaccurate by the adoption of the code and the repeal of the numerous special laws consolidated therein. A revision, simplification, consolidation, codification, and restatement of the laws by which the political subdivisions of the State of New York are governed cannot be too strongly urged.

Simplification of the statutory sources of New York City government is not a static problem. It is a matter for continuing vigilance. The Charter Revision Commission has recognized this by providing, in section 397 of the New York charter, the affirmative duty of the corporation counsel to continually revise and edit the law relating to the government of the city so that there will be no recurrence of the difficulty with which the board was confronted, and so that the law will remain certain and clear.

THE MERIT SYSTEM AND THE CONSTITUTION

(Continued from Page 85)

service in New York State, and particularly in New York City, would have been during the last two decades without the constitutional mandate for the merit system. We may not have a real career system established in New York as yet—there is much to improve in the way of administration—but with less than 1 per cent of the service outside of the competitive field, we have the competitive principle firmly established.

FOR DEBT SERVICE: NOTHING

(Continued from Page 76)

city hall demonstrates the financial flexibility it has achieved.

By 1930 the municipality had abandoned its cramped headquarters in the high-rent retail center, and was conducting its affairs in two old houses on a site which it had purchased (with $58,000 of 1925's regular revenues) for a new city hall. The commission asked and obtained the electorate's permission to build a new city hall without issuing bonds or increasing taxes.

A "new city hall" item of $475,000 was placed in the 1931 budget. Into this account went $220,000 of surplus cash on hand, $130,000 more from the water department surplus fund, and $30,000 from the rental fund of the old city hall. The remainder of the appropriation, $95,000, was in the levy, but without a tax increase. The additional cost of the structure and furnishings, about $50,000, was handled from current revenues the following year.

The city's strategic borrowing of $295,000 for welfare relief in 1932 kept it in a relatively favorable cash position during late depression years, even with tax delinquency reaching 24.95 per cent in 1933, an all-time high. Today, with collections exceeding the levy as depression delinquents pay up, Kalamazoo is looking toward the future without nervousness.

If there is a formula for Kalamazoo's feat in the realm of municipal finance, it may have been implied by Manager Freeman seventeen years ago in a statement to newspaper men who questioned him after six courageous representatives enacted his crucial 1921 budget.

He explained simply: "The commission felt that it was its duty to take up and dispose of various financial matters which had been sidetracked for years for the appearance of economy."

Municipal Holdback Straps

How quickly should municipal officials act in keeping up with economic changes, prompt provision for which may soon be made obsolete by new discoveries or changing needs?

WILLIAM PARR CAPES
New York State Conference of Mayors and Other Municipal Officials

MUNICIPAL government is accused of being slow and stumbling, of lagging behind private business and industry, and of being afraid to adopt new ideas. We have often heard these accusations made, particularly by business and professional men.

Anyone who knows anything about municipal government must admit that the criticisms are just to a certain degree. Comparatively few of us, however, know the reasons. That, I believe, is why so many are supercritical of our municipal administrations. This lack of knowledge also seems to be responsible for the deplorable lack of coöperation that exists between citizens and their public officials.

What is responsible for the dearth of new ideas in government? There are two reasons: first, public officials hesitate to advocate publicly new ideas for fear of being branded as radical or visionary. They do plenty of thinking and discuss ideas among themselves, but only those who are bold to risk their future public careers are willing to bring their ideas out in the open.

The second reason is that new ideas require experimentation and the field of government is not adapted to experimenting. Municipalities either lack the power to make the experiment or the cash to finance it. Taxpayers want tangible service and object to risking their tax-moneys on experiments, which may or may not result in benefits.

The public official knows these facts and realizes that, if he disregards them, his future public career is jeopardized. If the public wants municipal government to advance more rapidly it must change radically its attitude toward officials with a vision and look upon experimentation in the municipal field with the same tolerance and approval as it does the explorations of private enterprise.

What is responsible for the slowness and hesitancy in municipal administration? The answer is found in the fact that municipal government is either affected by or subject to the influence of every new advance in science and every economic and social change. While municipal officials have had problems thrust upon them with bewildering succession, they realize they are spending other people's money and that their public service will be judged by the results of their labors. They are, therefore, compelled to advance or change slowly. Here are a few illustrations.

Air-conditioning is a comparatively new idea. Its effect on municipal service is serious and it is going to grow more serious unless engineers radically change their present air-conditioning plans and municipalities effectively regulate such systems. Air-conditioning requires a large volume of water. Not only has the municipality to provide that water but also to dispose of it. Many municipalities are, therefore, faced with the problem not only of enlarging their water systems but also

of changing their sewer systems. This new invention is costing Chicago $3,000,000 to renovate its sewers so that the excess water can be properly disposed of. Should municipalities start now to enlarge their water supplies and systems and renovate their sewer systems or should they wait in the hope that air-conditioning engineers will find some way of reducing the amount of water used? Should they start now to enact air-conditioning codes which will compel the use of certain equipment to reduce the volume of water used? If they wait until the problem becomes acute, they will be accused of being slow and stumbling. If, however, they meet the problem now, and in the future engineers discover new methods, the officials will be accused of having been extravagant and inefficient.

With the advancement of aviation, municipalities have had to provide airports and landing fields. These cost a large amount of money both to construct and to maintain. How large should an airport be to take care of future needs and the ever-increasing size of airplanes? How should it be equipped? Should two or more municipalities combine to provide this facility? It was only a few years ago when cities were expending tax-moneys to install police and fire signal systems. Precinct stations and firehouses were scattered all over the city. Patrolmen were pounding beats in every section of the municipality. The automobile and radio have changed all this almost overnight. Police signal systems are being scrapped. Central police and fire stations are supplanting police precinct and fire district houses. Residential and outlying sections are being protected by patrolmen in prowl cars. Even the police radio systems which were acquired no longer than two years ago are being scrapped and two-way communication systems installed. Now municipal administrations are wondering whether or not fire alarm systems may soon be discarded for some radio system.

A few years ago the larger cities were installing garbage reduction plants for the disposal of refuse. They were impressed with the idea that the revenue derived from the sale of by-products—grease and tankage—would pay most or part of the operating costs. Smaller municipalities were installing incinerators. Now municipalities are discarding reduction plants and either installing incinerators or considering new methods of disposition. A few cities are experimenting with the grinding process. If that proves successful the cost of disposal will be greatly reduced, or the expense of both collection and disposal will be eliminated. Some cities are hauling the garbage to a central point where it is ground and dumped into the sewer for treatment at the sewage disposal plant. Others are encouraging householders to install small grinding machines attached to the sink. A few others are urging householders to install house incinerators. Several municipalities are installing combined garbage and disposal plants. In these the sewage gas is used to incinerate the garbage and sewage screenings and the heat from the incinerator is utilized to heat the buildings and to warm the sewage so as to produce more gas.

OIL BURNERS VS ASH COLLECTION

Take the oil burner as another illustration. As the use of oil for heating increases, the need for municipal ash collection decreases. Many municipalities are considering the advisability of abolishing their ash-collection service. Those who favor the change argue that it is unfair for a property owner using oil for heating to help pay for the removal of ashes from his neighbor's home.

The automobile has had a tremendous effect on the administration of municipal affairs, and particularly the cost of gov-

ernment. It has scattered our population over a greater area, filling up our outlying municipal sections, increasing suburban population, and creating metropolitan districts. It has stimulated the development of undeveloped areas and created innumerable municipal problems such as planning, platting, and the installation of public improvements. It has increased fire, police, and health protection, street cleaning, street lighting, pavement construction and repair, sewerage, water supply, etc. During the boom period many cities expanded so rapidly and land speculation became so prevalent, that with the beginning of the depression, tax delinquencies increased and the municipalities found themselves with acres of vacant lots on their hands. How to collect these taxes or to dispose of the properties so that they will again be paying their share of the cost of government is a problem which most municipalities are now endeavoring to solve.

Another automobile problem is the use of the house-trailer. As one writer has well said, this has tremendous sociological implications and will if the present trend continues introduce unprecedented complexities in the way of life. If the house-trailer makes of us a migratory nation, where is the support of government and its innumerable services coming from? How are children to be educated? How are we to protect health and care for the indigent house trailerites? Should we begin now when the movement is in its infancy, or wait in the hope that the problem will not become acute?

If statisticians are correct in their assertion that the population of the United States will grow at a gradually decreasing rate and become static by 1950, municipal government and services will be greatly affected, and municipal administrations must give serious consideration to these effects in planning future improvements and services.

Changes in economic and social conditions have a very serious effect on local government. They increase or decrease revenues, as we experienced during the boom period and the depression, compel municipalities to adopt new methods of financing both public improvements and services, and seriously affect the cost of government. Unemployment relief, old-age security, unemployment insurance, hours of labor, and recreation for increased leisure time are other problems which changed economic conditions force municipal officials to solve or consider.

These are only a few of the many changing conditions and problems which municipal government is forced to meet and to solve. What is new today is obsolete tomorrow. A trend today may or may not become acute tomorrow. Government is constantly in a flux. The wisest official is he who can look farthest into the future and anticipate most accurately. In doing so he may appear to be slow and to stumble, but actually he is weighing all the facts and future possibilities in an effort to act wisely for the good of all.

HELP FOR THE LOCAL OFFICIAL

These municipal holdback straps are not so potent today in New York State as they were a few years ago. Farsighted city officials of the past, realizing the adverse circumstances under which municipal government was laboring, created an organization through which the municipalities could coöperate in solving their individual and state-wide problems. This organization, known as the New York State Conference of Mayors and Other Municipal Officials, has for the past twenty-seven years been substituting facts for guesses in municipal work. Its numerous services make it impossible for any city or village official to excuse a waste of public funds on theories and experiments which have failed in other municipalities. Not long ago one city informed us it was con-

sidering the use of a certain pavement, and asked us for the experiences of any city which had used it. Within three weeks we sent that city the experiences of a number of cities and as a result the proposal was rejected as the pavement had generally proved unsatisfactory. At the same time its services make available to city and village officials the best thoughts and efforts of American municipalities so that failures may be avoided and successes repeated.

It was not until a short time ago that municipalities of New York State could install and operate parking meters. Anticipating that the power would eventually be granted we began two years ago to gather the experiences of those southern and western cities which were experimenting with this new method of regulating parking. As soon as the governor signed the bill we began to receive requests about parking meters and were able to supply each interested city with complete information. The officials, therefore, can take such action as they desire with their eyes open. They don't have to consider the parking meter question blindly.

The conference's services also perpetuate efficient practices in New York State cities and villages. New officials especially like to make changes. If the proposals are sound, the data we supply upon request will fortify these officials; if they are defective, our factual reports will put them on their guard. The conference is a reservoir into which the municipalities dump their problems, ideas, and experiments. If the problems have been solved by any other municipalities, the conference informs the municipality in trouble. If the problems are new and have not been solved, it arranges for studies and discussions. Experiments are watched and the results sent to the municipalities. Conservation work of this type by the coöperative efforts of New York State municipalities is gradually but effectively helping local governments to keep pace and in some departments to surpass private enterprise. It encourages and fosters experimentation in the municipal field. It speeds up administration of local affairs and eliminates much of the uncertainty in the determination of policies. And what is being done in New York State is being repeated in many other states with similar municipal organizations. Judging from what has thus far been accomplished, it is safe to predict that municipal government will progress sanely and steadily, provided the citizens have confidence in those they select to administer and coöperate with them.

PUBLIC OPINION IN OUR CITIES

(Continued from Page 71)

On the question of admitting women to jury duty—a privilege denied them in about half the forty-eight states—a majority of 69 per cent throughout the United States voted to permit women jurors to serve.

The public is not omniscient. We have found persons who do not know who the president of the United States is. We have found persons who do not know the difference between the Supreme Court and the local police court. There might be many arguments over the wisdom of positions public opinion is taking today. But in the long run I believe that the evidence amassed by the institute during the last few years absolutely supports the assertion which Theodore Roosevelt once made:

"The majority of the *plain people* of the United States will, day in and day out, make fewer mistakes in governing themselves than any smaller group of men will make in trying to govern them."

There is every evidence that municipal management can get guidance from these voters today.

New York Fights Syphilis

Mayor LaGuardia and his medical aids attack the social disease problem in the country's largest city with characteristic directness and vigor.

PHILIP HAMBURGER
Columbia University

LET's get down to brass tacks about syphilis. There have been dozens of popular articles dealing with the first Wasserman test and the introduction of the syphilis germ into America. The nation has been made syphilis-conscious.

Few people know, however, what is actually being done against syphilis in the large cities. New York City, for example, has been quietly waging a winning battle against the disease. An extensive program is in force.

Today, a New Yorker who fears that he has been exposed to syphilis can go to one of many public clinics for testing and treatment. No questions are asked. He doesn't have to be on relief or go through extensive red tape. It is naturally expected that the patient cannot afford the services of a private physician. The average patient at the clinics earns fourteen dollars a week and has three dependents. New York's program is reaching those who most need help. It is worth examining in detail.

New York has more syphilis than any city in the United States. New York has done more in the past two years to fight syphilis than any city in the United States. As a result, health authorities in all parts of the country have been intently following the progress of New York's program. Although details will differ from city to city, it is generally agreed that New York has inaugurated a model municipal plan.

Dr. Thomas Parran, surgeon-general of the United States Public Health Service, has praised New York because it did "first things first." Soon after Dr. John L. Rice became health commissioner of New York City, he turned his attention to the syphilis problem. There were few precedents. A program for fighting the disease in a city as large as New York was almost an entirely new undertaking in America. Dr. Rice realized that his problem was the problem of more than 6 per cent of the nation's population.

In order to profit by the experience of tested plans, Mayor LaGuardia authorized a commission to study and report on the methods employed in the Scandinavian countries and Great Britain. Accordingly, Dr. Rice, Dr. Parran, and a small group of medical leaders spent the summer of 1935 in Norway, Denmark, Sweden, and Great Britain.

Their findings were startling. Since 1920 syphilis had markedly declined in each of the four countries visited. It had become almost a rare disease in Scandinavia. In Sweden, for example, there were 399 cases in 1936, compared with 5,976 cases in 1919. Upstate New York, with a population almost exactly equaling that of Sweden, showed 21,984 cases under treatment in April 1935, with probably not more than one in ten of the actual cases under treatment. In the three Scandinavian countries, with a total population of 13,700,000, health authorities were notified of less than 1,600 cases in 1933.

Great progress had been made in England. Clinic admissions indicated

that syphilis prevalence was one-half of the 1920 figure.

Essentially, the Scandinavian plans called for free and universally available diagnostic and treatment services of high quality, adequate hospital facilities for infectious cases, compulsory treatment for uncoöperative cases, thorough epidemiologic services, and confidential relationships carefully maintained.

Great Britain did very little epidemiologic work, and made no provision for compulsory treatment or reporting of cases.

It was concluded that the great success achieved in the countries visited was due mainly to the provisions for adequate treatment, and the rendering non-infectious of infectious cases.

A LOCAL SURVEY

Dr. Rice was not yet ready to begin. He requested the American Social Hygiene Association to survey New York, discover the scope and nature of the problem, and existing facilities for controlling it.

Once again, the results were startling. It was estimated that 5 per cent of the total population was suffering from syphilis. The association recommended the formation of a separate bureau in the Department of Health, and estimated that an adequate program would cost at least $500,000 a year. The association further urged a program to bring private practitioners into the front lines of the campaign. The New York Academy of Medicine, the Milbank Memorial Fund, and the New York Tuberculosis and Health Association added further data.

From all these sources the main lines of the battle were drawn. The New York City plan called for widespread popular education; diagnostic facilities where all could reach them; treatment facilities for every infected individual—private physicians treating those who could pay and the poor or indigent being treated at public expense; assistance to private physicians treating individuals on the border between indigency and independence; follow-up for cases that have discontinued treatment without permission especially while still infectious, for discovering sources of infection, for persuading families of infected persons to submit to examination, and for instructing patients regarding the prevention of the spread of the disease.

The Bureau of Social Hygiene in the Department of Health was created in October 1935. Dr. Walter Clarke of the American Social Hygiene Association was appointed director. Under Dr. Clarke the giant program was swung into action.

In 1935 only $180,000 was devoted to the fight against syphilis and gonorrhea. Today a total of over $500,000 is being devoted to a complete program. Two years ago there were seven health department clinics, of which six were treatment centers. Today there are nineteen clinics under the health department, of which twelve are treatment centers. At the end of 1935 the Bureau of Social Hygiene operated forty-nine clinic sessions weekly; in 1936 there were ninety-two weekly sessions; now there are 119.

In the first nine months of 1937, compared with the first nine months of 1935 (before the bureau was organized), 87 per cent more persons were examined, 37 per cent more persons were treated for syphilis, 219 per cent more patients were treated for gonorrhea and 122 per cent more visits were made for treatment. Personnel has increased from eighty-six in 1935 to close to three hundred today.

The Department of Health names as its first objective the aiding of private practitioners in discovering, treating, and controlling syphilis among their patients. Practical aids are offered toward this end. They may be briefly described as follows:

Diagnostic Services. Laboratory ex-

aminations are performed without charge. During 1936, 345,000 specimens were tested. At the request of private physicians, blood and smear specimens are taken at each of the nineteen diagnostic centers. These centers also offer darkfield and spinal examinations. There is a consultation service for the patients of private physicians. All findings are reported directly to the referring doctor. Physicians use these clinics freely and without fear of losing their patients.

DRUGS WITHOUT CHARGE

Treatment Services. Many physicians are happy to treat patients at moderate fees if the necessary drugs are supplied. To supply this need, the Department of Health provides arsphenamines, bismuth, or mercury in amounts sufficient for one year of treatment. Private physicians are able, therefore, to attend many patients who can afford only a very small fee. This fee is often comparable to the charge in many so-called "pay clinics."

Social security funds provide the drugs. As the funds are limited, drugs are usually provided only for treatment of early syphilis, syphilis in pregnancy, and congenital syphilis. Supplies are furnished in four allotments, each sufficient for three months of continuous treatment. For statistical purposes, physicians are requested to report their cases when they ask for the drugs. They are not required to state whether or not the patient can afford to pay for the drugs. It is naturally expected that few physicians will request drugs at public expense for patients able to pay the full cost of treatment.

From August 1936, when this program was begun, to September 1937 about 215,000 treatments have been administered to about 9,000 patients, who have remained under the care of their 799 private physicians and 25 hospitals.

It is known that sufficiently sustained treatment may render syphilis permanently non-infectious. This requires a close follow-up of lapsed cases which are still infectious. Physicians who request a follow-up have specially trained and selected nurses placed at their service by the department. During the course of the follow-up the nurse works directly under the physician.

Epidemiological Service. Basically, the epidemiology of syphilis is simply this: the most important question after a case of syphilis has been brought under treatment is, "From whom did the patient acquire the disease, and to whom may it have been transmitted?" Early syphilis, syphilis in pregnancy, and congenital syphilis provide the best opportunity for epidemiologic work. The Department of Health finds that private physicians, in the course of their daily rounds, do excellent case-finding work of this nature.

To aid the physician in finding the source of infection in the type of case mentioned above, the department has a group of specially trained physicians. Action will in no case be taken without the approval of the private physician.

During the first nine months of 1937, the epidemiological staff of five physicians, eight nurses and seventeen field investigators made 15,259 visits to 7,888 lapsed sources of infection and contacts and returned about 50 per cent of them to treatment. These five physicians also consulted with 485 private doctors concerning problems of treatment, and maintenance of treatment, of their patients.

Educational Activities. Every effort has been made to teach the public to avoid infection, and to seek competent medical advice and care if necessary. Greatest attention is paid to the instruction of infected persons.

Every person found by a physician to be suffering from syphilis or gonorrhea is given a pamphlet, provided by the

Department of Health, dealing with his infection and the protection of contacts. This is a requirement of the New York City sanitary code. Editions of the pamphlet have been prepared in several foreign languages.

EDUCATION FOR PHYSICIANS

Post-graduate work is made available to doctors, bringing to their attention the most modern methods of diagnosis and treatment. In October 1937, for example, thirty-four lectures were given to lay and professional audiences, totaling 3,075 individuals. Motion pictures and stereoptican slides were exhibited twenty-three times. Pamphlets are distributed in the hundreds of thousands and departmental exhibits attract wide attention.

The Reporting of Syphilis. Every means has been provided for the physician to report cases of syphilis to the Department of Health. In Great Britain a physician is compensated for his trouble. Here, he is considered to have rendered an important public service. In New York the reporting is made simple and convenient. The physician merely fills in the facts on a form, and mails it in a franked envelope provided by the department in coöperation with the United States Public Health Service. Although not encouraged, reporting by initials is permissible. All reports are kept strictly confidential and under lock and key at the Department of Health.

There was an increase of 27 per cent in the number of reported cases of syphilis and gonorrhea for the first nine months of 1937, compared with the corresponding period in 1936.

Hospitals. There are forty-eight clinics in voluntary hospitals in New York City. Many of these clinics are anxious to provide treatment without charge for a larger number of poor patients, and desire the Department of Health to supply them with drugs. In the case of clinics which charge low fees—fees that do not compete with those of private physicians—the department supplies drugs to enable them to care for indigent patients. Although progress has been made, there is still a great deal of work to be done in this direction.

The sanitary code requires the maintenance of certain standards and regulates the conduct of these clinics. Adequate personnel is required. When these clincis have gone the limit in attempting to bring infectious cases under control, or to return lapsed cases to treatment, the Department of Health employs its legal authority to find the uncoöperatives and bring them under medical care.

Beds. Health Department officials feel that New York's greatest single need at present, in the fight against syphilis, is more bed accommodations for infectious cases, whether they be voluntary admissions or legal removals by order of the department. The department believes that the provision for treatment of syphilis in indigents and others who cannot afford to pay, is primarily the function of the tax-supported hospitals of the city. Facilities are still far short of the city's need. An important step was taken in 1936, when Dr. S. S. Goldwater, commissioner of hospitals, secured funds with which to compensate doctors working in the city hospital dispensaries.

The "Report of the Hospital Survey for New York City," published early in 1937, believed that "New York City should have at least two thousand beds for the hospital care of patients with syphilis and gonorrhea." Seventy of the eighty-eight hospitals were recorded, in the report, as not admitting patients with diagnosed syphilis or gonorrhea, "a number of them qualifying this statement to the effect that if venereal disease is not the primary condition the patient is admitted, or that venereal disease in a stage which is not communicable is admitted."

(Continued on Page 120)

Recent News Reviewed

NOTES AND EVENTS
Edited by H. M. Olmsted

Civil Service Week Celebration Marks Merit System Advance.—National civil service week, commemorating the fifty-fifth anniversary of the original federal civil service act, received nation-wide observance from January 16th to 22nd and emphasized the fact that in 1937 civil service legislation reached an all-time high mark at state and local levels, according to the Civil Service Assembly. Five states—Arkansas, Connecticut, Maine, Michigan, and Tennessee—adopted comprehensive merit system laws during the year, adding about 30,000 state employees to the civil service roster. Three counties and twenty-eight cities voted to come under civil service with several thousand municipal employees. The merit system is in operation in more than 850 governmental jurisdictions; but 1938 finds it still lacking in thirty-four state governments and thousands of local governments.

The Pendleton act passed fifty-five years ago, after the assassination of President Garfield by a disappointed office-seeker, applied only to the federal civil service and covered about 14,000 employees. This number has been extended to more than 532,000—about 63 per cent of all federal employees. Various important civil service changes, including bills seeking to put into effect recommendations of the President's Committee on Administrative Management, are now under consideration in Congress.

In the state of Georgia the senate late in 1937 passed a bill for the establishment of a state merit system, which was then referred to the house of representatives. Governor E. D. Rivers had placed this measure second only to tax revision in his call for a special session of the legislature, saying, "I again recommend to you as a means of economizing and bringing efficiency into the government for the benefit of the three and one-quarter million people who can and never will hold state positions, but who have to pay the tax to support state employees, that we should have a merit system of employment of those who work for the state government."

Unemployment Compensation Operative in Many States.—The unemployment compensation systems of twenty-one states and the District of Columbia began paying benefits in January, and a total of thirty states will have put their systems into operation before the end of 1938. The American Public Welfare Association warns, however, that little resulting decrease can be expected in the total of relief cases.

The twenty-one states are: Alabama, Arizona, California, Connecticut, Louisiana, Maine, Maryland, Massachusetts, Minnesota, New Hampshire, New York, North Carolina, Oregon, Pennsylvania, Rhode Island, Tennessee, Texas, Utah, Vermont, Virginia, and West Virginia. Employees covered in these states and the District of Columbia are estimated to total about twelve millions.

Workers recently laid off are the first to benefit from unemployment compensation reserves that total over $437,000,000 for the twenty-two jurisdictions. Several factors, however, indicate need for supplementary relief for these people: (1) the time lag between layoff and payment, which includes a variable waiting period of two to four weeks, plus the lapse of a week or two before the first benefit check is received; (2)

the fact that the benefit may be so low (in some states it is only $5 a week; the maximum is $15) that it cannot provide for a family caught without cash reserves; (3) the unsettled business conditions that may make it impossible to restore jobs to the newly unemployed before their benefit period of from twelve to twenty weeks expires, thus necessitating a turnover to direct relief.

The experience of Wisconsin, which began paying benefits in July 1936, indicates the necessity of supplementing benefits with relief, as recently reported.

■

Delaware River Commission Opposes Federal Authority.—The second annual regional conference of the Interstate Commission on the Delaware River Basin met in Philadelphia December 10-11, and was attended by over 175 registrants, including representatives of many federal and state agencies and local authorities. Public forums were held on the Norris, Mansfield, and Rankin bills, proposing the establishment of federal authorities in the development of water resources, including power, and on the Barkley-Vinson-Lonergan proposals for control of stream pollution. At the close of the conference the members of the commission (a joint agency of the states of Delaware, New Jersey, New York, and Pennsylvania), meeting in executive session, adopted a resolution opposing the establishment of federal authorities in connection with water resources or stream pollution; recommending the adoption of the Barkley-Vinson bill without the Lonergan amendments; and favoring "the establishment of a federal planning agency with appropriate subordinate regional agencies in which the states shall have adequate representation, for the purpose of formulating and preparing coördinated programs for the development of their respective areas." A resolution was also adopted calling upon the federal government to coöperate, in an extensive financial way, with state and municipal authorities in abating the pollution of the Schuylkill River by coal culm.

■

Eight State Legislatures Meet in Regular Session.—Legislatures of eight states—Kentucky, Mississippi, Rhode Island, Massachusetts, New York, New Jersey, South Carolina, and Virginia—went into regular session last month. The legislature of Louisiana will convene May 9th; the other states have no regular sessions in 1938. Subjects under consideration include amendments to broaden social security laws, housing authority enabling legislation, provision for interstate action on various matters, and the financing of state business from relief to salaries.

Most of the nine states have passed approved plans to take advantage of the federal social security act and the government's housing program. Virginia, however, lacks all of the provisions for participation in the federal security plan, and, together with Mississippi and sixteen other states not holding regular sessions this year, has not yet empowered municipalities to establish housing authorities and participate in the federal program. New Jersey's law requires revision since it now provides only for a state-wide housing authority. Other matters which may be laid before legislators of these states include state civil service in Kentucky, Virginia, and South Carolina; interstate action on flood control in Massachusetts; and uniform banking, insurance, and marriage and divorce legislation, in coöperation with other states, in New York.

No rush of special sessions is expected in 1938 comparable to the last "off year" for legislative meetings, 1936, when thirty-three states held forty-six such sessions. The 1937 record of special sessions totaled nineteen in fourteen states, as compared with the "normal" year 1927, when seven states held one extra session apiece.

■

People to Vote on Constitutional Amendments in Nine States in 1938.—Popular elections will be held in at least nine states this year on constitutional amendments dealing with a wide variety of subjects, according to the National Association of Secretaries of State and the Council of State Governments. The states and a partial list of proposed amendments are: Alabama—restriction of highway and motor vehicle taxes to construction and maintenance of state highways, permitting county sheriffs to succeed themselves; Florida—$5,000 homestead exemption law, state support of public schools; Illinois—repeal of so-called double liability of bank stock owners; Maine—length-

ening residence requirement to qualify as voter; Michigan—salary increases for elective state executive officials; New Jersey—legalizing horse-racing and pari-mutuel betting (if 1938 legislature readopts); Oklahoma—retirement allowance provision for state and school employees, concerning membership of house and senate and fixing an annual salary for members of legislature; South Dakota—re-apportionment of state legislature; Wyoming—deposit of public money and payment of interest thereon at rate paid on private deposits.

The year 1937 was a lean one for direct state legislation by the people, the association's report found. Voters of only eight states were asked to submit their wishes on a total of fifty-two measures, in contrast to 1936, when they passed on 180. About one-fourth of the 1937 proposals were approved. No state voted on initiated statutes.

■

Council-Manager Plan Developments.—Little Rock, Arkansas, (81,679 population) will vote on February 14th in a special election "for home rule" or "against home rule." At the same time the voters will select a committee of seven which, if the home rule vote is favorable, is empowered to write a charter incorporating the council-manager plan as its principal feature. This committee will have two months in which to draw up such a charter. A referendum on its adoption, however, cannot be held sooner than two months after it is announced and published by the committee.

Des Moines, Iowa, (142,559) will vote on the adoption of a manager charter on February 12th. Verdun, Quebec, (62,000) recently approved a manager amendment to its charter which will be submitted to the provincial legislature for approval this month.

On January 18th Johnson City, Tennessee, (25,080) defeated a manager proposal by a vote of 614 to 532.

In Indianapolis, Indiana, the Junior Chamber of Commerce has set up a city manager plan committee.

Fort Kent and Norway, Maine, will vote at their annual town meetings to be held some time before April 1st on the adoption of council-manager charters enacted by the 1937 legislature.

The reorganization of the city council in Cincinnati, Ohio, on January 1st, following changes in its make-up produced by the November elections, resulted in the selection of James G. Stewart as mayor, succeeding Russell Wilson, who has served since 1930. This change was a victory for the anti-Charter forces, but it is not expected to endanger the manager plan as the city's form of government, although it may weaken its operation.

The council-manager plan celebrates its thirtieth anniversary this year, as it was in January 1908 that Staunton, Virginia, weary over the inefficiency of council committees in handling administrative problems, passed an ordinance authorizing the hiring of a "general manager" and delegated to him the direction of all administrative affairs.

■

Principles for Cities' Guidance in New Housing Program.—A five-point program to help cities select personnel to administer their low-cost housing programs under the 1937 United States housing act has been recommended by the Committee on Personnel Standards of the National Association of Housing Officials. At the same time the association announced that new municipal housing authorities are being established at the rate of one a week.

The committee report outlines general principles for selecting the new job-holders and suggests the duties and qualifications for the three key positions on housing authority staffs—executive director, technical director, and director of management division or housing manager.

The primary principles are stated to be: (1) positions should not be restricted to local residents, later interchange of personnel with other municipal agencies is to be encouraged; (2) positions should be filled only by persons fully qualified under strict standards and methods of examination, preferably with civil service protection; (3) major positions should be filled whenever possible by persons trained in public administration and wishing to engage in it as a career, and having special training in housing problems; (4) no differentiation between men and women of equal qualifications; (5) a college

degree should not be an absolute prerequisite for major positions, but the understanding, ability, and facility to be expected from a college graduate should be required.

It was emphasized that the functions of a housing authority should be carefully coordinated with the other functions of the municipality. The housing authority has its own specialized field of operation and should not duplicate other governmental functions: the city planning department should be called upon for selection of sites; the welfare activities and supervision of playgrounds should be taken care of by the appropriate existing agencies.

■

Codification of Ordinances Undertaken in Many Cities.—Municipal administrative codes are under preparation, modification, or complete revision in many cities, according to the American Municipal Association, and it is expected that more of such work will be undertaken during the course of the current year.

The new code for New York City, which was submitted to and approved by the state legislature as a bill of 3,350 pages, and became effective January 1st with the new charter, is the result of two years' study by a specially appointed board.[1]

Among other cities considering new codes are Saginaw, Michigan, which has completed a code under its new home-rule charter, and Miami, Florida, which has a code awaiting adoption, prepared with the assistance of Public Administration Service. In Wheeling, West Virginia, the latter organization is making a study. Duluth and St. Cloud, Minnesota, are considering recommendations for revisions, the Duluth Governmental Research Bureau having urged such action in that city.

The new codes considered by the various cities differ from those formerly adopted in that they include extensive and detailed regulations of personnel service, financial procedures, and the responsibilities of officers for specific functions, the American Municipal Association points out. Small cities not wanting to spend the money to prepare an entirely new administrative code may utilize WPA and NYA labor to analyze and organize existing ordinance material.

In Oregon ten small cities are undertaking ordinance codification with the help of the State League of Municipalities, the Bureau of Municipal Research and Service of the University of Oregon, and the WPA, which has allotted $5,556 to the latter bureau for employment of clerical workers.

■

Emergency Unemployment Relief Placed in Permanent Departments.—New York City's department of public welfare has become much the largest in the country with the consolidation of nearly ten thousand emergency relief administration employees into the department, which now includes all forms of welfare except aid to dependent children and hospital care. By this centralization New York joins several other large American cities that have set up emergency unemployment relief under the permanent service. Cleveland and San Francisco were two of the municipalities taking similar steps within the last year, according to the International City Managers' Association. Philadelphia and St. Louis are among the few large cities that continue unemployment relief work under separate administration.

COUNTY AND TOWNSHIP GOVERNMENT

Edited by Paul W. Wager

Experience with the Salary System in Texas.—Since January 1936, approximately one-third of the counties in Texas have employed the salary method of compensating county officials. Under the terms of the enabling statute which became effective on January 1, 1936, the commissioners' courts, in counties of less than 190,000 population, were directed to fix the salaries of county officers at a sum not less than the amount earned by such officer "in his official capacity for the fiscal year 1935, and not more than the maximum amount allowed such officer" under the fee-regulatory laws in force at the time the amendment was adopted. In counties having

[1] In this connection see "A New Administrative Code for New York City," p. 92 of this issue.

a population in excess of 190,000, the salaries of all major county officials were fixed in the statute. In addition, the law limited the maximum salaries to be paid assistants, deputies, and clerks.

Eighty-two of the 254 counties in Texas were subject to the mandatory provisions of the amendment. For 1936 four counties took advantage of the permissive provisions of the amendment and statute and chose the salary method of compensation. One county returned to the fee system for the year 1937, but its loss was offset by the addition of another county of less than 20,000 population to the salary ranks in January 1937. Thus in 1936 and again in 1937 eighty-six counties placed their county officials on a salary basis, though few of these used their permissive authority to compensate precinct officers in the same manner.

Several months after the salary law went into effect, charges were made that this act was "breaking the backs of the counties." These complaints grew more insistent as the time for the 1937 regular session of the legislature drew near. Near the close of that session, on May 18th, the governor sent a special message to the legislature requesting that a proposed amendment, "calling for a vote of the people on restoring the fee system for the present salary system," be passed and submitted to the voters. The legislature by an almost unanimous vote passed the amendment a few hours after receiving the gubernatorial message and provided for its submission to the voters in August 1937. With a very small percentage of the voters participating in the election, the amendment was defeated.

It cannot be said that the total of salaries now being paid is much greater than the total of fees formerly retained as compensation by the present salaried officers. But the total cost of office personnel is now a direct charge against the county and is related only indirectly to the collectible fees of office, and it is reasonable to assume that this item is significant in appraising the financial condition of certain counties.

Although such factors as the state's failure to pay the maximum apportionment to county salary funds, the laxity of some officials in collecting fees, and the establishment of county responsibility for the payment of personnel must be considered in explaining the financial predicament of some counties now operating under the salary system, a more likely reason for the existing situation is the stereotyped and confused structure of county government prescribed by the constitution and statutes. The constitution alone requires a minimum of from eighteen to twenty officers for each county, with others added by statute. The overlapping of functions and the virtual independence of each officer in the performance of his duties make county administration costly and largely ineffective. The experience of Texas demonstrates that isolated "reforms" in county government, such as the abolition of the fee system, may achieve little so long as the organization and procedure of county government remain unchanged. Under present conditions the complete reconstruction of county government seems necessary before any permanent improvement in county administration can be attained.

J. Alton Burdine
University of Texas

Consolidation Pays in the City and County of Denver.—If anyone is seeking an illustration of the advantages which city-county consolidation brings to an urban community, all that he needs to do is to visit Denver, Colorado, inquire closely into the administration of her unified city and county government, and talk with her business men and citizens.

The advantages are apparent in the city of Denver in many ways—in the organization of the government for administrative purposes, the generally high quality of her administration, the relatively low cost of her city government, the ease with which the voters can have a full understanding of their government, and the settled satisfaction of her people with the economical and efficient administration of local affairs in the city-county.

Analyze the budget appropriations and expenditures and it will be found that there are only two budgets, the city-county budget and the school budget. It will be found that even in the days of the depression the city-county budget was kept in balance, because with one government and one budget, real control could be exercised. Compare the personnel by departments with other cities and

it will be found generally less in numbers, because employees are used interchangeably in the departments. Examine the unified purchasing system which this centralized form of government makes possible, and the results obtained will be found to be uniformly satisfactory. One can look into the operation of her water supply system, and the business-like conduct of this function will show a self-sustaining public utility, exceptionally well managed, on a sound financial basis, and with adequate funds to permit an expansion under great engineering difficulties.

In short, this consolidated, highly centralized, but simple form of administration set up in Denver's home rule charter, has resulted in giving the city and county of Denver for a period of over twenty years, an economical, efficient and well balanced government—so satisfactory to her people that there is practically no demand for a change.

Greater Cleveland (published by the Citizens League) December 16, 1937

■

Pennsylvania Counties Save through Permanent Registration.—The new registration system which was extended to boroughs and townships by the 1937 legislature promises to effect a large reduction in the cost of registration service in Pennsylvania counties. An analysis of the experience in Fayette County indicates accurately the extent of the saving in that county.

Under the old system of registration, it cost the county $13,467.65, or an average of 15.8 cents each to enroll the 84,979 electors registered in 1936. Under the new system, the estimated cost of registering each voter will be reduced to 8.3 cents over a ten-year period, with further material reductions after the original cost of equipment has been entirely written off.

Your Dollar's Worth (published by Pennsylvania Economy League, Inc.) December 1937

■

New Jersey Taxpayers Favor County Managers.—The New Jersey Taxpayers Association has recommended to the citizens of the state's cities and counties that they make a thorough investigation of all forms of local government to the end that efficient and economical administration shall be obtained. It also goes on record as favoring legislation which will permit the adoption of a county manager form of government, and therefore recommends the revival and passage of Senate Bill 97 of the 1936 legislature.

■

Los Angeles County Pleased with Budget and Research Department.—The Department of Budget and Research of the county of Los Angeles was created by an ordinance of the board of supervisors which became effective on July 29, 1936. Prior to this time the director of the department and the staff were members of the Los Angeles County Bureau of Efficiency, which was set up by the charter and had been in operation since 1930. The new department was set up separately from the Bureau of Efficiency because in six years the work had become more and more of a fiscal and research nature and thus farther removed from matters of personnel efficiency.

For the first year that the Department of Budget and Research has been in operation as a separate department, directly responsible to the board of supervisors, three times as much work has been performed as during the twelve-months period immediately preceding the change. The number of reports has increased from 350 completed during the last year served under the Bureau of Efficiency to 958 assignments completed the past year. The work of the department in connection with the county budget has also been greatly improved.

The department has been rearranged into three divisions, namely, the budget division, the division of systems and procedures, and the division of administrative research.

Civic Affairs (published by the University of Southern California) December 1937

TAXATION AND FINANCE

Edited by Wade S. Smith

Expenditure Control.—Rigid tax rate limitations have been the subject of periodic and generally unfavorable comment in this column, although not without occasional remonstrances from rate-limit proponents. Our position has been—and is—that tax rate limitations strict enough to actually limit are

either indiscriminately destructive of important governmental services or are accompanied by unsound fiscal practices, and that at best the rate limit is an indirect way of arriving at a result which can much better be approached directly. From the standpoint of intelligent expenditure control, the tax rate limit is showing up more and more as a failure.

Of all the tax rate limitations adopted as a result of depression legislation, that of the state of Indiana is probably the most defensible. Although liberalized last year by an upward revision of the maximum rates, the saving grace of the tax limit law is the fact that Indiana provides for popular hearings on local budgets held under state supervision. The plan has very solid support in the state, and is considered by many elsewhere in the country to represent the most workable of the limitation laws. Yet local governmental expenditures in Indiana, as measured by annual tax levies, have followed the nationally upward trend since 1935. Further, such reductions as have been made appear to arise not from the rate limit but from the provisions for budget hearings.

The general property tax for local government in Indiana for 1938 will be approximately $100,108,000, according to figures recently released by the Indiana Taxpayers Association. This is a figure $2,308,000 over the 1937 total and $3,775,000 over that for 1936. Advertised budgets, however, were approximately $112,000,000, reduced $10,500,000 as a result of local action and nearly $1,000,000 more as the result of action before the State Board of Tax Commissioners. Levies are up a total of $5,593,000 in thirty-six counties and $3,286,000 lower in fifty-six counties as finally fixed. The increases occur in the face of $4,000,000 of state gross income tax money distributed for school aid.

In the face of such a record, can the Indiana plan be called successful? From the standpoint of the rigid tax rate limitationist, probably not. Obviously, the upper rate limit is not seriously restrictive. From the standpoint of expenditure control, however, the results do not seem so bad. Allowing for the lack of detailed information as to just what items represent the increases and what the decreases, it is evident that the local units in more than two-thirds of the counties had their expenditures reduced under the law's provisions. Moreover, reductions from the original budgets were more than 10 per cent of the total local levies—a not inconsiderable accomplishment for protesting taxpayers on a state-wide basis. Thus, even though the rate limitation part of the Indiana plan is more or less of a flop, the budget control provisions seem to work fairly well.

But would the Indiana taxpayer be better off under a rigid tax rate law which really limited? This department thinks not. Indiana local units have never been notoriously extravagant, judged by nation-wide standards, and the current upward trend of taxes there appears to conform pretty closely to the generally observed resumption of pre-depression activities. A low, "limiting" limit might do more harm than good—as it has in the case of West Virginia. The Indiana taxpayer, however, would clearly be just as well off if his tax rate limit were scrapped and he relied solely upon the budget control provisions in the law—this is where the teeth are anyway.

Perhaps some who find tax rate limits attractive will be moved to protest that the Indiana situation indicates clearly the desirability of rigid and controlling rate limits, since some increases occurred under the rate-limit plus budget control plan. For answer to this view, it is only necessary to turn to West Virginia, horrendous example of rate-limit disaster.

In contrast to the orderly—although perhaps moderate—reductions in Indiana budgets as finally adopted, West Virginia cities show sharp and general cuts to an admittedly penurious level. Reductions through the state averaged 46 per cent—attractive to the reader of the tax bill but ultimately of little real benefit to the property owner. Even such essentials to property preservation as fire and police protection have been reduced 30 per cent and 25 per cent respectively, while such essential but less basic services as sewers and street repairs have been cut 70 per cent to 80 per cent. Here is the type of lack of discrimination which characterizes the tax rate limit when at its worst; it seems unlikely that the tax saving to property can compensate for the ultimate and inevitable decline in property values under such a system.

Of course, not all states with tax rate limits have had either the relatively favorable

results of Indiana or disaster on such a scale as characterizes the majority of West Virginia units. These are the states in which tax rate limits, while actually holding taxes to an upper ceiling, have not seriously restricted the bulk of local expenditures because of various budgetary adjustments. Ohio and Washington offer startling evidence of the introduction of essentially unsound fiscal practices in an effort to maintain an untenable position. In both states deficiency financing has been the rule—the plight of Cleveland was discussed in these columns two months ago, while the mounting current deficiency of Seattle was noted earlier.

In every tax rate limited state there appear to be some cities which manage to get along without any evident embarrassment. They manage to maintain services at an adequate level, without exceeding the tax rate limit or weakening their financial position by deficiency financing. How is it done? In about nine cases out of ten it is done by real honest-to-goodness expenditure control—the kind summed up in carefully prepared budgets, revised at public hearings, and executed by competent administrators using approved budget-control techniques. Tax rate limits don't affect them, and tax rate limit proponents usually cite such cities as evidence of the need of a fiscal straight-jacket for less economical units. But what the high-tax cities usually need is a fiscal and administrative house-cleaning and more intelligent and vigilant citizen supervision. The fact that in 1937 more laws for budget and accounting control were enacted, while there were no additions to the tax rate limit states, seems to indicate that the man on the paying end of the tax bill is recognizing just what constitutes expenditure control.

*

Personalty Assessments Up.—No nation-wide analysis of assessed valuations for 1938 is available, but observations on scattered data show general rises this year with increases most pronounced in the assessed valuation of personal property. In some units personalty valuations are near or in excess of the recent peaks, a trend reflecting largely the effort of assessors to hold total valuations up or show rises in the rolls without boosting realty unduly. In many places—Cook County and Chicago perhaps most conspicuously—the personalty increases have been made by assessing officials using the federal income tax returns made available for this purpose by congressional action last year. Personalty taxes are generally considered the weakest item in the municipal revenue system—they are generally hard to collect, difficult to realize on when delinquent, and admittedly assessed inequitably when compared with other property under most laws. The current trend is therefore unfortunate, but indicates again the narrowness of the revenue base upon which local government depends.

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Miami, Florida, leads off in memorializing its congressmen to oppose any efforts to make municipal bonds taxable by the federal government. Comptroller Tremaine of New York State figures that the increased interest rates to cities under such a scheme would exceed the gain in revenue to the federal government by nearly thirty million dollars.

*

Rhode Island's proposed personal income tax would have to gross $6,000,000 for Providence's share under the proposed allocation plan to equal the present intangible levy which it would supplant, the Providence Governmental Research Bureau estimates. The state advisory tax commission estimates that the actual receipts would be about $2,400,000 of which $1,200,000—or nearly as much as Providence's 1938 intangibles tax—would go to the municipalities.

*

Proposal to exempt all homesteads from taxation up to first $5,000 of valuation has recently been introduced in Congress. There is little likelihood of its enactment, but it shows the homestead-exemption wind is still blowing.

PROPORTIONAL REPRESENTATION

Edited by George H. Hallett, Jr.

Fusion Organizes the New York Council.—A coalition consisting of five American Labor Party councilmen, three Republicans, three independents elected with City Fusion designation, and two insurgent Democrats, together with Newbold Morris, Fusion president of the council, has organized New York

City's first P. R. council over the determined and noisy opposition of thirteen organization Democrats.

The Democratic organization has had top-heavy majorities for many years in the board of aldermen, which the council replaces—sixty-two out of sixty-five in the last board—and for some reason assumed that it could proceed with its usual domination although it no longer had a majority of the members. Since the new charter gives President Morris a vote in case of a tie, the coalition has a clear majority of fourteen votes out of twenty-seven. The Democrats, however, took advantage of the absence of one of the Labor councilmen at the first meeting to effect what they claimed was a permanent organization of the council, which the council president and the Fusion members refused to recognize. With parliamentary manoeuvres and appeals to the courts they opposed every attempt of the majority to assume control when the absent member returned and kept the council in a turmoil for several meetings. Some issues are still in the courts, but there seems little doubt now that in the end the majority will be completely victorious.

James A. Burke, former Democratic assemblyman and alderman, elected at the head of the poll in Queens without party designation of any kind, was elected vice-chairman of the council by the coalition; and B. Charney Vladeck of Manhattan, manager of the *Jewish Daily Forward* and leader of the American Labor Party delegation, was made majority leader. Former Alderman John B. Cashmore of Brooklyn is the Democratic minority leader.

Council rules have been drawn up which will avoid future deadlocks by allowing the president to vote whenever there are thirteen votes for a proposal and thirteen negative, absent, or unrecorded, and will avoid temporary seizures of power when a member is absent by requiring fourteen votes for all important actions.

It thus appears that the council will have an actual working majority in sympathy with Mayor LaGuardia and his Fusion administration. Since some of the Democratic members are men of recognized intelligence and understanding of public problems, it is expected that they will not continue their obstructionist tactics on most matters of legislation and that a more coöperative spirit will develop after all matters of organization are disposed of.

Legislative matters of the first importance have already been brought forward. Mrs. Genevieve B. Earle, Fusion member from Brooklyn and a member of the recent charter revision commission, has introduced the Citi-

P. R. COUNCIL ELECTION, NOVEMBER 1937

Party	First-Choice Votes	Final Votes[1]	Members Elected
Democratic	619,232 (31%)	760,442 (47%)	13 (50%)
American Labor	238,191 (12%)	375,000 (23%)	5 (19%)
City Fusion	224,438 (11%)	187,306 (12%)	3 (11½%)
Republican	178,311 (9%)	163,164 (10%)	3 (11½%)
Insurgent Democrats[2]	92,581 (5%)	129,125 (8%)	2 (8%)
Communist[3]	74,146 (4%)		0
Socialist[3]	29,232 (1%)		0
Others[4]	556,970 (27%)		0
	2,013,101	1,615,037	26

[1]The votes which were credited to the twenty-six elected councilmen after all the transfers had been completed.

[2]The Rose Democratic faction in Queens, which has lined up with Fusion in the organization of the council.

[3]Neither of these parties approached the quota in any borough except Brooklyn, where one Communist and one Socialist were among the last candidates defeated. A large part of the Communist and Socialist votes were transferred to Labor candidates and helped to elect them.

[4]These independent candidates did not run together as a ticket. A large part of their votes were transferred to next choices for members of other groups and helped to elect them.

zens Union program of county government reorganization which President Morris sponsored vigorously but vainly in the old board of aldermen. Ambitious housing programs have been brought forward by Majority Leader Vladeck, who was until his election a member of the city housing authority, and by Howard H. Spellman, a new Democratic member from Manhattan. Fusion members have proposed investigations of the city's milk supply and of city pension systems. In all such matters there is a real prospect of constructive action which was usually totally lacking in the board of aldermen.

The Fusion majority of the council corresponds to an actual majority of the voters. Because six of the Fusion members—the five Labor men and Vice-Chairman Burke—were elected with full quotas of 75,000 each, while only two of the Democratic organization members reached the quota, the thirteen Fusion members represent more voters than do their thirteen opponents. Furthermore, the scattered Fusion forces in the election, though they fared much better under P. R. than they could have under any other method, wasted many more of their votes by marking insufficient choices than did the regular Democrats. The table on page 116 will bring out these facts and supplement the analysis of the election given in this department last month.

There was an error of 300 votes in two of the tables published in last month's analysis. The total number of effective votes cast in the election of New York City Assemblymen last fall should have been given as 1,016,532 and the total number of valid votes as 1,937,788.

*

Yonkers to Try Again.—Encouraged by their showing at the election last fall, when their P. R.-manager plan charter amendment was defeated by the narrow margin of 19,312 to 17,639, the Yonkers City Manager League has launched a campaign to bring the question to a vote again next November. The proposal will be slightly changed to eliminate non-essential provisions to which exception was taken last fall and to provide that the first city manager shall be chosen by the first council elected by P. R. instead of by the council in office when the amendment is adopted. Meanwhile a city charter commission appointed by Mayor Joseph F. Loehr is including P. R. among the subjects to which it is giving careful study.

*

The P. R. League's Annual Meeting.[1]—The annual meeting of the Proportional Representation League was held on November 20, 1937, at Rochester, New York. As in previous years the League met in conjunction with the annual conference on government of the National Municipal League. Two sessions, morning and luncheon, were assigned the subject, "The Problem of Representation in Government."

Professor A. R. Hatton of Northwestern University, president of the League, presided over the morning session, at which a brief business meeting was held. Henry Bentley of Cincinnati, Richard S. Childs of New York, Paul H. Douglas of Chicago, A. R. Hatton of Evanston, Illinois, C. G. Hoag of Haverford, Pennsylvania, J. Henry Scattergood of Villa Nova, Pennsylvania, and Thomas Raeburn White of Philadelphia were re-elected as trustees for the ensuing year. Since George Hallett, secretary of the League, was absent because of his duties as a supervisor of the P. R. count in Manhattan and therefore unable to make his usual report, the president called attention to the P. R. section of the annual report of the National Municipal League, in which the year's accomplishments were set forth.

No further business being necessary, the rest of the morning was devoted to a discussion of the topic of the day. Mayor Roy C. Start of Toledo, Mrs. Sophia A. Olmsted of New York City, and Walter J. Millard of Cincinnati spoke on the successful use of P. R. in their respective cities; Herman C. Loeffler of Boston, James D. McGill of Rochester, and Robert E. Garrigan of Chicago stressed the great need of P. R. for their cities and told of the efforts being made to secure its adoption. Nearly a hundred League members and other interested persons were present at this two-hour discussion.

The luncheon, which immediately followed the morning session, was held in the Rochester Chamber of Commerce and proved to be

[1]This annual report of the principal American P. R. gathering of the year has been held over to make room for detailed reports of the November P. R. elections.

the best attended session of the entire conference. It was sponsored by the P. R. League, the National Municipal League, the National Association of Civic Secretaries, and various local groups in Rochester including the City Club, the Chamber of Commerce, and the League of Civic Clubs. Nearly four hundred persons were present.

The two addresses at the luncheon were made by Hon. Samuel Seabury of New York and John H. Humphreys of London, secretary of the British Proportional Representation Society, who is looked to for information and guidance by workers for P. R. in all parts of the world. Judge Seabury urged the extension of P. R. to the election of constitutional convention delegates and a unicameral legislature. A part of his address, entitled "P. R. and the Constitutional Convention" was reproduced in the NATIONAL MUNICIPAL REVIEW for December. Mr. Humphreys, who was in this country to witness the P. R. election in New York, gave an enlightening address on "Methods of Election and the Making of History." "An analysis of the elections held in Europe during the last eighteen months has made it clear," he said, "that unfair methods have led to disaster"—as in Spain—"whilst fair representation has led to the coöperation requisite to the carrying on of government."

E. S. P.

GOVERNMENTAL RESEARCH ASSOCIATION NOTES

Edited by Robert M. Paige

The Buffalo Municipal Research Bureau.—In population and property valuation the city of Buffalo constitutes 75 per cent of the county of Erie, though each has its own government and taxing system. The bureau's work is directed to both the city and county governments.

Following the adoption in New York State of a constitutional amendment authorizing the legislature to enact alternative forms of county government, the board of supervisors submitted to a referendum a form which provided a board of fifty-four supervisors, an appointive county manager, an elective comptroller, a modern budget system, and powers of local legislation. Though supported by the bureau and other forward-looking citizens' organizations, the proposal was defeated in the referendum. Amendments to the law, covering points criticized by opponents of the reform, will be made, it is hoped, in the 1938 legislature, and another effort to pass the measure, modified perhaps, will be made in 1938.

The county board of supervisors appointed a committee of five officials and five citizens to submit a standardized schedule of salaries and positions. An outside firm of auditors was engaged to prepare the data and it is expected that the report will be completed for submission to the board in March 1938.

The city government during the past four years has been most difficult to impress with the ideals of government which obtain in governmental research bureaus generally. How far the Buffalo bureau impressed public opinion during this period is not, of course, easily measured. However, the election of 1937 resulted in the ousting of the Democratic eight-seven majority in the city council and the election of a twelve-three Republican majority and of a mayor on an independent platform. In the county, the Republicans made a clean sweep of all the offices and increased their majority in the board of supervisors.

The outlook for a better brand of local government in this locality, the research bureau believes, is greater than for years past.

SIDNEY DETMERS, Manager

Bureau of Budget and Efficiency, City of Los Angeles.—This agency of the city government is continually engaged in fact-finding and research upon municipal affairs including budgeting, departmental administration in its various phases, and the rendition to the mayor and council of such other aid, information, or recommendation as may be requested in writing.

Bureau personnel numbers fourteen, comprising a director, ten staff members, and three stenographers, all fourteen employees having been regularly appointed to their positions after competitive examinations under the civil service provisions of the charter. The ten staff members, individually averaging ten years of service with the city and nine years with the bureau, are given a wide variety of assignments with arrangements being made for frequent joint activity in order that

maximum experience may be obtained and utilized to the best interests of the city.

Aside from budget work, which is a continuing major duty, the bureau in 1937 handled a greater than usual number of legislative and administrative matters contained in files or made the subject of councilmanic or departmental conferences. Personnel items and policies, particularly those resulting from increases in volume of work and recently adopted employee retirement provisions, have received considerable attention. In addition to the varied and voluminous routine assignments, considerable energy has been devoted to extensive studies and reports.

In order that the city's interests might be properly protected while the state legislature was in session a detailed analysis and digest of the thousands of bills submitted was made by this bureau.

To supply requested information relating to the budget procedure there has been prepared a thirty-four-page compact manual entitled "Making a Budget for the City of Los Angeles." Special organization and administrative surveys of the Bureau of Assessments and the Humane Departments have been completed. Much progress has been made on studies of the Library Department and Bureau of Street Lighting, while some further time has been especially devoted to the Bureau of Engineering, Fire Department, and Police Department. Also an analytical indexing of the charter has been made as a partial fulfillment of the council's instruction for joint charter revision activity by the city attorney and this bureau.

Investigations of space requirements and work with the Board of Public Works resulted in appreciably improved conditions for numerous departments with offices in the city hall. Representation at meetings of the State Board of Equalization devoted to valuation of public utilities was productive of material municipal savings. Also, analysis of proposals and recommendations thereon, together with subsequent collaborations with the city controller and city attorney, resulted in a decidedly advantageous purchase of the municipal airport site.

The maintenance of the municipality's financial stability for the last decade is conclusive evidence of the fact that officials and citizens of the city of Los Angeles have profited from the advisory assistance afforded by the Bureau of Budget and Efficiency.

■

Minnesota Taxpayers Association.—The association is now engaged in "grass roots" meetings held in county seat towns at which the story of taxation from the federal government down is given in simple form through lectures with charts. Greatest emphasis is given to local government. To help in the presentation of facts, the research department of the association has prepared studies for every unit of government within the county concerned, showing where reductions are possible and should be made, and giving a breakdown of expenditures over a period of years.

In turn, each county group conducts group meetings within the county to determine just what requests should be made to their officials for tax reductions. Usually public officials are found most willing to become a part of the movement to reduce expenditures, and such coöperation, of course, results in willing and active assistance from the various county groups when needed on state-wide matters.

Invariably, it has been found that the reason for the increased costs of county government has been recent laws handed down to it requiring mandatory levies for relief. In many instances, in fact, relief is the sole factor responsible for the high tax rate.

The association is now sponsoring a series of conferences of taxpayers and of those concerned with the administration of relief in an effort to formulate a feasible program for reducing relief costs gradually over a period of years.

■

Taxpayers Research Association of Fort Wayne.—The association announces that the Fort Wayne property owner will pay taxes in 1938 at the rate of $2.24 per $100 of valuation, a rate which is 29 cents under the $2 limit (exclusive of certain levies) fixed by the state of Indiana and which is the lowest rate in four years of successive tax reduction.

Also significant is the fact that Fort Wayne's rate is the lowest in the state of Indiana—the lowest rate among thirty-four cities of the first four population classifications. Among the state's major cities, Fort Wayne was the only one to submit a lower tax rate for 1938 than it had for 1937. Figures recently obtained regarding tax trends in the state of

Indiana show that Indiana property taxes as a whole have increased each year since 1934. Allen County, in which Fort Wayne is located, heads the list of three counties which have shown reductions each year since 1933.

During the past four years property taxes throughout the state of Indiana have been rising, notwithstanding the broadening of the tax base through the gross income tax, the intangible tax, and other new taxes. Therefore, the association has reason to feel that Fort Wayne's tax reduction work has been due in a large measure to effective organization for the change has been brought about in the face of the general trend throughout the state.

As important as tax reduction work may be in some instances, however, reducing taxes is not the only purpose, or even the major purpose of the Taxpayers Research Association. The association has always been primarily interested in bringing about good local government at the lowest possible cost, and if there are times when the citizens demand services which they are willing to pay for and which mean an increase in the tax rate, the research association has no objection to that increase provided the funds so raised are efficiently expended. The association has even recommended increases in certain budgets in the interests of equitable and efficient administration.

In fact, the objective of our association is pretty accurately stated when it is said that our chief concern is to see that the taxpayer is given value for value received in the expenditure of every tax dollar. In view of the future development of this program, the association has now under consideration special research work in various governmental units for the definite purpose not so much of lowering the tax levy of that unit, but of bringing about greater efficiency through better methods, better management, and more efficient expenditure of the funds allocated.

We also hope, within a reasonable length of time, to see that all local governmental improvement expenditures are placed upon a pay-as-you-go basis. In other words, our association plans to bring about the elimination of the practice of issuing long time bonds with costly interest—interest which the taxpayers have to pay, and interest, which so often in times past, has proved more costly in the end than the amount of the principal of the loan itself.

ANGUS MCCOY, Executive Secretary

NEW YORK FIGHTS SYPHILIS

(Continued from Page 107)

When the Health Department recently requested voluntary hospitals to take indigent cases, for which the city would pay at the usual rate for care, only three hospitals agreed.

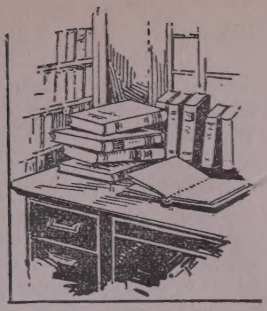
Today ten of the department's centers are treatment centers. They are overworked and crowded to capacity by the unemployed and other very poor infected persons. More treatment centers are needed. The department hopes that larger participation of private physicians, voluntary hospitals, and the Department of Hospitals will meet this need. The department will limit its treatment facilities as this function is taken over by other official and voluntary agencies.

Funds. Funds for this far-flung program have come from a number of sources. The city budget for 1937 provided $275,000 for combating syphilis and gonorrhea. The public health sections of the social security act provided $70,000 more. The WPA allocated about $204,000 in personnel and supplies. In addition, $12,000 was provided from private sources.

Officials in New York feel that they have progressed far enough to prove the soundness and practicality of their plan. Dr. Walter Clarke expresses the belief that all that is needed is "more of what we already have."

New York City has more than doubled its services to syphilis patients since 1935. The city has seen the results of intelligent, well planned action. But the fight has just begun.

Recent Books Reviewed



EDITED BY ELSIE S. PARKER

The Case for Democracy. By Ordway Tead. New York, Association Press, 1937. 120 pp. $1.25.

Democracy will flourish only when there is wide agreement about its content and the ways of realizing it. There is all too little consensus about its definition and method today and hence the value and timeliness of Ordway Tead's clear, concise essay.

Democracy, he says, is at once an ideal, a process, and a method. It is an aspiration centering around the belief in the maximum enhancement of the individual life. Secondly, the process of personal growth requires self-choices, self-assumed responsibilities, and shared participation in determining practical affairs. Thirdly, it affirms that there are certain organized methods and structural relationships by which choices are registered and participations are obtained and guided. No one form of representation, voting, administration, or delegation of authority, he points out, is inevitably and for every situation the best. In our complex age, democratic government "must extend its influence and its methods out into fields not historically viewed as political."

A large part of Tead's essay deals with the implications of democracy for business, a task which he is well equipped to assay. Pages 30-80, one-half of the treatise, treat this aspect of the subject.

The book is admirably suited to adult education purposes, for it is a short, thoughtful discussion of fundamental problems. Its value to the lay reader is enhanced by the fact that the essay is followed by an excellent twenty-three page bibliography dealing topically with all aspects of democracy. This book-list was prepared independently by Benson Y. Landis and afterwards appended to the essay.

MARSHALL E. DIMOCK
University of Chicago

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Valuation under the Law of Eminent Domain. By Lewis Orgel (under the auspices of the Columbia University Council for Research in the Social Sciences). Charlottesville, Virginia, The Mitchie Company, Law Publishers, 1936. 976 pp. $10.

This is the first and most comprehensive study of the valuation of property taken by public authorities for public use. It is not only theoretical, but also intensely practical. Since the analysis cuts across the usual legal lines, it should be of great interest to economists, appraisers, and public officials.

The author brings to it his experience as chief assistant to Leonard M. Wallstein, who in 1932 was in charge of the investigation into condemnation procedure applicable to proceedings brought by the City of New York, and also his later experience as assistant corporation counsel in the actual conduct of condemnation trials and appeals for the City of New York.

The book is divided into three parts: (1) a general analysis of the problem of value in the light of judicial decisions.

(2) A detailed examination of the rulings of the courts on questions of evidence in the attempt to test the validity of appraisal concepts developed in the first part of the book. This portion of the book considers the relevance of all types of appraisal data in the proof of value. Thus it examines whether the assessed valuation may be used in determining value. It analyzes all types of data

forming the basis of valuation such as sales offers and reproduction cost of structures. The question of the relationship of income and of value is carefully considered.

(3) This section contains a complete analysis and study of the valuation of public utilities for the purposes of condemnation and public purchase. This is the only exhaustive study of this important question, and is particularly timely now because of the pressure on all sides toward the acquisition of municipal plants by local authorities and by federal government agencies like the TVA.

In the final chapter the author discusses the reforms possible in condemnation valuation.

The book should appeal to all forward looking municipal executives.

SOPHIA A. OLMSTED

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The Influence of the American Bar Association on Public Opinion and Legislation. By M. Louise Rutherford. Chicago, Foundation Press, Inc., 1937. ix, 393 pp. $3.00.

This work, a University of Pennsylvania Ph.D. dissertation, sets a rather severe test for the American Bar Association—nothing less than whether it is one of the agencies upon which the salvation of democracy depends. But the author does not show that the association has such influence that it may fairly be held especially accountable of democracy's fate.

There is, of course, no possible way to measure the impact of this or of any other agency upon public thought. It does not appear, in fact, that influencing public opinion is one of the purposes for which the association was established. And not until 1936 was there any constitutional machinery for discovering what the association itself thought on public questions. Positions were taken by officers and committees and by the minorities of members who attended conventions.

In such fields as professional ethics, standards of legal education and bar admission, and reform of judicial procedure the association seems to operate with the sure touch that might be expected. Also it can attract to committee posts lawyers who know the intricacies of many branches of the law. These can and do give much helpful guidance to legislators. That the views of those who have spoken for the association have often prevailed is relevant though circumstantial evidence to prove influence. It is not claimed that the influence has invariably been in the right direction, and extended discussion of whether it has been right or wrong on particular issues is obviously beyond the scope of the dissertation.

Mrs. Rutherford's description of the association's efforts to inspire reverence for the constitution are of special interest. The association fostered Americanization committees, celebration of national holidays, teaching of the constitution in law schools (!), oratorical contests in public schools, radio addresses, pamphlets, cartoons, etc. The author is apparently a bit skeptical about the results. She thinks interesting dramatic presentations might be more effective than speeches, and finds the association's pamphlet distribution infinitesimal beside that of the American Liberty League.

The picture that comes from Mrs. Rutherford's pen is just that of another voluntary group, accomplishing what it can according to its lights, having a special usefulness in the field it knows best—the science and practice of the law. When this field is deserted for the broader fronts of public policy, the association's voice tends to grow less authoritative and accurate appraisal of its contribution to the national life more perplexing.

CLARENCE G. SHENTON
Philadelphia Evening Bulletin

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State Control of Local Finance in Oklahoma. By Robert K. Carr. Norman, Oklahoma, University of Oklahoma Press, 1937. xiv, 281 pp. $3.00.

The problem of the relationship between the state and its local governments continues to occupy the attention of those interested in the preservation and extension of home rule. This study is concerned almost entirely with the years 1931 to 1935 inclusive—when the trend away from home rule and toward state control, especially in financial matters, became accentuated.

Oklahoma has relied chiefly on legislative control—as contrasted with administrative—in its fiscal relations with local governments, but it has not been content to provide such control merely by means of statutes. Much has

been incorporated into the constitution, i.e., the limitation of the taxing power of local government, limitation of property taxation, etc.

The author discusses state control of such important matters as the assessment of property, local budgetary procedure, local indebtedness, accounting and auditing, etc. He feels that compromise is necessary and suggests that: "Before a state has gone very far with the preparation of a comprehensive governmental program it will be discovered that the total available for governmental purposes within a state can be assigned in part to state government and in part to local government, in the light of the relative importance and resulting services of each. Once this assignment is made, is there any reason why local government cannot be given a considerable measure of independence in the planning of its program and expenditures within the maximum limits permitted it?"

But, he writes: "It is true that we have based our final conclusions upon the premise that the right of local self-government must be retained if democracy is to continue to exist. But there is no good reason why Oklahoma must have seventy-five counties or five thousand school districts if this element of democracy is to be preserved!"

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Permanent Registration of Voters in Michigan. An Appraisal. By James K. Pollock. Ann Arbor, Michigan, Horace H. Rackham School of Graduate Studies, University of Michigan, 1937. 15 pp. Lithoprinted.

Michigan has had permanent registration for all units of government of five thousand and over—a total of 128 cities, villages, and townships—since 1932. Dr. Pollock presents here his appraisal of its use during these five years for the seventy-five cities and other units of local government which responded to the inquiries made. Tables set forth percentages of cancellations and reinstatement of registration in selected cities and towns (under that section of the law which requires the removal of the name of any voter who has not voted within a period of two years, provided such voter makes no response to a notice to such effect); and percentages of registered non-voters. Also included in the study are appendices showing forms used with permanent registration and the list of cities, villages, and townships used in the survey, with population, number of cancelled registrations, and number of reinstatements.

The author has made another valuable contribution in a field where little such data has been available during the past few years. A companion study dealing with registration costs under the Michigan system would also be a worthwhile undertaking.

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New Haven's Problems—Whither the City? All Cities? By Arnold Guyot Dana. New Haven, 1937. 142 pp. (Apply to author).

This volume, privately printed and distributed by the author, presents a discussion of present-day problems of New Haven, including its limited area, population and social changes, property taxation, the shrinkage of its grand list, and the handicap of tax exemption—which, says the author, is at its worst in New Haven. It also contains a thorough discussion of New Haven's finances. The book, according to Mr. Dana's foreword, is an appeal on behalf of New Haven, "long the financial and commercial leader of Connecticut, now the victim of a strange union of untoward circumstances, some local and some unique or peculiar to New England, others country-wide in their evil effect."

The report contains many excellent illustrations, maps, charts, tables, and graphs, and gives evidence of thoughtful preparation. It is offered by its author not "as a bullet-proof document, but as an honest, unbiased attempt to discover the main causes of New Haven's ills and in some measure to point the way to remedying or removing them."

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Law and the Modern City. By Barnet Hodes. Chicago, Reilly Lee Company, 1937. 107 pp. $1.00.

Corporation Counsel Barnet Hodes of Chicago throws light on numerous legal problems confronting local governments in this recently published volume which is an outgrowth of a series of lectures delivered by the author at Northwestern University. The book is written primarily for the layman rather than the lawyer. In it the author discusses what he terms "the basic reasons for confusion in municipal government everywhere."

In urging home rule, Mr. Hodes declares that increased demands upon government, which tax not only federal authorities but affect urban administrators as well, make it imperative that the modern town, village, or city be given wider powers of self-government in order that they may cope with the problems confronting them.

Mr. Hodes also discusses the overlapping of governmental units throughout the state and the resultant confusion of jurisdiction and examines the new federal-city relationships that have grown up as a result of the depression. Housing, zoning, and city planning problems are also considered.

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Government in Small Council-Manager Cities. Chicago, International City Managers' Association, 1937. 16 pp. mimeo. $1.00.

Because of the scarcity of data on the government of small municipalities with manager charters, the City Managers' Association undertook several months ago to send a questionnaire to the managers of all such cities under five thousand population. Replies were received from eighty of the 143 cities to which the inquiry was sent. The resulting report is composed of a series of tables setting forth the data collected.

Nine of the cities report that they are debt-free. Of the other cities, two are not in debt on general obligation bonds, fifty-two have no special assessment debt, and forty-four are paying what debt they have on a long-term funded basis.

In addition to financial data the report covers number of employees, utilities owned and operated, number and terms of councilmen, and other officials elected.

*

Unicameral Legislatures. Eleventh Annual Debate Handbook, 1937-1938, (two vols.). Edited by Bower Aly. Columbus, Missouri, Lucas Brothers, 1937. Each volume 220 pp. Seventy-five cents each.

These two volumes represent a carefully worked out presentation of material on the legislative body, including much that has recently appeared regarding the unicameral experiment in Nebraska. Volume One is devoted to a number of short chapters prepared specifically for the handbook by such leaders and teachers in the field of political science as Henry W. Toll, Harvey Walker, John P. Senning, and Martin L. Faust. It also contains a bibliography. Volume Two contains excerpts from material that has been published in recent years on the subject of legislative bodies. Among contributors to the latter volume may be found George W. Norris, "father" of Nebraska's unicameral legislature, Robert Luce, W. F. Willoughby, John P. Senning, A. E. Buck, and Charles A. Beard.

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The Unicameral Legislature. By Everett Phoenix Smith. Turner Center, Maine, Turner Center Debate Bureau, 1937. 231 pp. $2.50.

This is another handbook prepared for the debater. The author begins his discussion with the year 800 in France and gives a very brief resumé of the development of the legislative system from that time until now. He presents arguments for and against the unicameral legislature, with eight lessons for debate classes, backing up his arguments pro and con with short excerpts from various authorities on the subject. The book is concluded with a bibliography.

*

Results of Municipal Lighting Plants. By Burns & McDonnell Engineering Company. Kansas City, Missouri, 1937. 230 pp. $2.00. (Apply to author.)

This is the fifth edition of a valuable record of rates, earnings, costs of production, kilowatt-hour production, valuation, and other information on municipally-owned lighting plants. The new volume shows many drastic rate changes over the last edition which appeared in 1935. It covers 512 cities, a much larger number than has been reviewed previously. The record presented should prove indispensable to city officials, operators, and managers.

*

Training Program for Interns in Public Administration and Assistants in the Personnel Department. Prepared by the Training Division, Personnel Department. Knoxville, Tennessee, Tennessee Valley Authority, 1937. 43 pp. mimeo. Thirty cents.

Outline for a year's training course for government employees, which includes a detailed schedule of activities as well as bibliographical material for each participating department.